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HISTORY
OF THE
F R A S E R S
OF
LOVAT

WITH

GENEALOGIES OF THE PRINCIPAL
 FAMILIES OF THE NAME:

TO WHICH IS ADDED THOSE OF
 DUNBALLOCH AND PHOPACHY.

pt. 1

BY

ALEXANDER MACKENZIE, M.J.I.,

AUTHOR OF "THE HISTORY OF THE MACKENZIES"; "THE HISTORY OF THE MACDONALDS
 AND LORDS OF THE ISLES"; "THE HISTORY OF THE CAMERONS"; "THE HISTORY
 OF THE MACLEODS"; "THE HISTORY OF THE MATHESONS"; "THE HISTORY
 OF THE CRISHOLMS"; "THE PROPHECIES OF THE BRAHAN SEER";
 "THE HISTORICAL TALES AND LEGENDS OF THE HIGH-
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 ETC., ETC.

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HISTORY OF THE FRANCIS

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HISTORY OF THE FRASERS.

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INSCRIBED

TO

MY WIFE

AND

TRUE HELPMATE

THROUGH LIFE.

A. M.

P R E F A C E.

— :o: —

THIS WORK has extended to such a length that it would be impossible to include the Aberdeenshire Frasers in one volume, even if it were considered desirable to give here an account of that family. There is, however, no need for this, Lord Saltoun having, only a few years ago, published three handsome volumes giving the history and genealogies of his own family—the Frasers of Philorth and their branches. But there never has been any full account of the Frasers of Lovat and the several families descended from that stock.

The *Historical Account of the Family of Fraser* by the late John Anderson, published in 1825, although written for a special purpose and in the interest of the Lovat family, contains much valuable information, and it has to some extent been taken advantage of in the preparation of this work. It does not, however, deal with any of the branches beyond the briefest reference, and is not a genealogical work at all except as regards the main line of the family. And even in that it cannot always be implicitly relied upon.

This work is not only historical and genealogical but is chronologically arranged from beginning to end, the minor families being dealt with in the order in which they branched off from the main stem, except those of illegitimate origin, which come in later. Then follow the Frasers of Dunballoch and Phopachy, two families who were always closely

allied to the House of Lovat although not descended from it.

Perhaps the leading feature of the book, apart from the genealogies of the various branch families, is the long account given in it of Lord Simon of the 'Forty-five, which occupies about one-third of the whole, and is believed to be far the most detailed and accurate record of his extraordinary life which has yet appeared, thanks not a little to his own letters, printed by Sir William Fraser, K.C.B., Edinburgh, for the first time in his *Chiefs of Grant*, and to other sources of information previously not available, all duly acknowledged in the proper place in the body of the work.

I am indebted to Mr Charles Fraser-Mackintosh of Drummond more than I can tell. He has placed freely at my disposal his rich treasures of Fraser MSS.—bound volumes, family correspondence, papers, and documents of every description. I also draw largely on his articles on the Frasers of Guisachan and Foyers, published in the *Transactions of the Gaelic Society of Inverness*.

Many other kind friends, to whom I must tender my acknowledgments without mentioning their several names, have also assisted by the use of valuable family papers and genealogical information. Indeed, except in the case of two or three individuals, I have received every aid and encouragement from the ladies and gentlemen of or connected with the Clan that I could expect or desire in the preparation and completion of the work.

I have again to thank my son, Mr Hector Rose MacKenzie, solicitor, Inverness, for the full and carefully prepared Index which appropriately completes the volume.

A.M.

PARK HOUSE, INVERNESS,
March, 1896.

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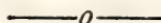
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THE HISTORY OF THE FRASERS.



ORIGIN.

IT is admitted on all hands that the Frasers, unlike any of the other clans of which the author has yet written, except the Chisholms, is not of Celtic but Norman origin. On this point Skene, the greatest authority on the subject, writes—"Of the Norman origin of the family of the Frasers it is impossible for a moment to entertain any doubt. They appear during the first few generations uniformly in that quarter of Scotland which is south of the Firths of Forth and Clyde; and they possessed at a very early period extensive estates in the counties of East Lothian and Tweeddale: besides this, the name of Frisale, which is its ancient form, appears in the Roll of Battle Abbey, thus placing the Norman character of their origin beyond a doubt. Down to the reign of Robert the Bruce the Frasers appear to have remained in the southern counties, but during his reign they began to spread northward, penetrating into Mearns and Aberdeenshire, and finally into Inverness-shire." This quotation is from Dr Skene's earlier work, *The Highlanders of Scotland*, vol. ii., pp. 312-313, and as certain critics who differ from his conclusions regarding the origin of most of the other clans had been saying that he had changed his views, it may be well to give an extract on the point from his latest and greatest work, *Celtic Scotland*. While adhering throughout in the latter to the origin of the clans as laid down by him in his earlier work, he says in a footnote, vol. iii., p. 365—"In the main the author has seen little reason to alter the distribution of the clans in an earlier

work, *The Highlanders of Scotland*, published in 1837, to which the reader is referred for their detailed history." It may also be stated in this connection that while *Celtic Scotland* was in the press it was circulated by the same critics that its learned author had found cause to alter his opinion, and that the change would be declared and made in his forthcoming work. We at the time wrote Dr Skene asking if this was the case. The reply was a distinct denial, adding that the more he studied the origin of the various clans the more satisfied he became as to the soundness and accuracy of the opinions formed in his earlier years, expressed in the work already quoted, and given to the world in 1837.

Mr John Anderson in his *Historical Account of the Family of Frisel or Fraser*, published in 1825, says that "The origin of the family of Fraser—as it is clothed in all the wildness and extravagance of legend by their own chroniclers—must be held to be fabulous and unworthy of regard ; and our investigations ought accordingly to commence at a point where facts, not theory, may guide to the research." He then continues—" We first recognise the Frisels in the array of those adventurers who accompanied the Norman William to the English shores. The precise aera when they extended northwards is not so well defined. By some, the reign of William the Lion has been fixed upon as the epoch of their appearance in Scottish annals ; whilst other authors have ascended to the times of Malcolm, surnamed Ceanmore, when Anglo-Saxon and Norman colonists transferred their allegiance to a Celtic Prince." Mr Anderson holds that the former supposition is wrong, "for," he says, "we behold the Frasers a race of some importance during the prior sway of David I.," to whose reign can be traced the chief influx of Norman settlers into Scotland.

There is no doubt that the Frasers appeared among the earliest of these settlers. In a passage from the "*Scotoe Chronica*," preserved by Leland, it is stated that "the nobles of Scotland came no nearer than Peebles to meet

with their king. Wherefore he took with him many of the younger sons of the noble men of England that bore him good will, and gave them lands in Scotland off them that were rebels to him." The following are the names of the distinguished men that he brought with him—"Balliol, Breuse, Souly, Mowbray, Saintclere, Hoy, Gifford, Ramsey, Byssey, Berkeley, Boys, Walenge, Montgomery, Gurly, Vaulx, Colville, Fraser, Grame, and dyverse other." This reference is to William the Lion's return from his imprisonment in England in 1174, but there is no doubt that long before that date the Frasers settled in the south of Scotland, although some other nobleman of the name may have accompanied the king on this occasion from his captivity in the southern kingdom.

Their first settlement was in East Lothian. From there, in the twelfth and thirteenth centuries, they found their way to Tweeddale and subsequently to Aberdeen, Kin-cardine, and Inverness shires. It is stated by the early family chroniclers that John, the eldest of three brothers —John, Alexander, and Francis—who attended the Court of Malcolm Ceanmore, founded the House of Fraser, Lords of Oliver Castle, he having married Eupham Sloan, the heiress of Tweeddale, in which district that stronghold was situated. Another of the brothers, Alexander, proceeded beyond the Forth and settled on lands at Inverkeithing. These he left to his descendants, who possessed them for many generations after him.

The first of the name found in written records is—

GILBERT DE FRASER, who is witness to a charter of Cospatrick to the monks of Coldstream in 1109, during the reign of Alexander I. He held the lands of Hales in East Lothian under the Earl of Dunbar at the same time that he possessed large estates in Tweeddale and Lothian. This Gilbert had three sons—

1. Oliver Fraser, who succeeded his father.
2. Udard Fraser, who married with issue—a son Adam, and settled at Drumelzier in Peebleshire.
3. Another son, who rose to eminence in the reign of

Alexander II. He married and left issue—three sons, Simon of Keth, Bernard, who ultimately carried on the family succession, and Nessius, who is repeatedly on record.

4. Maria, who married Ness of Fortun, in East Lothian, and had for her portion a part of North Hales, which her nephew, Bernard Fraser, son of Gilbert's third son, claimed as his heritage—a claim which she acknowledged during her widowhood in the Court of their superior lord, the Earl of Dunbar, and to which he afterwards succeeded.

Gilbert was succeeded by his eldest son,

OLIVER FRASER, who flourished contemporaneously with Joceline, Bishop of Glasgow, 1175-1199. He built and gave its name to Oliver Castle, and died without issue near the close of the twelfth century, when he was succeeded by his nephew,

ADAM FRASER, son of Udard, second son of Gilbert Fraser, who also inherited his father's estates of Drumelzier, in Peeblesshire. Adam married with issue, at least one son—

LAURENCE FRASER, who succeeded his father, and confirmed the charters granted by his grandfather Udard. He is on record as a witness to a charter by Patrick, Earl of Dunbar, of the ward of East Nisbet to the monks of Coldingham about 1261. He is also mentioned as "Laurantius Fraser, dominus de Drumulzier," possessor of the lands of Mackerston. He married, with issue—

LAURENCE FRASER, who succeeded his father in Drumelzier, and flourished during the Wars of Succession. He married, with issue, two daughters—

1. The eldest, who married into the family of Tweedie, to whom she carried the estate of Drumelzier, and had issue.

2. A daughter, who married Dougal MacDougall, to whom, in the reign of David II., she carried the estate of Mackerston, which she afterwards resigned in favour of her son, Fergus MacDougall, who has a charter of the same lands from Robert II., dated the 3rd of May, 1343.

Laurence having died without male issue, Gilbert Fraser's third son, who married and had issue—one son, Simon

Fraser of Keth, in East Lothian, who flourished in the reign of David I.—must now be reverted to. In the reign of Malcolm IV. Gilbert granted the Church of Keth, with certain lands and the right of pasture, to the monks of Kelso. The grant is subsequently confirmed by Malcolm and his successors. His grandson Simon's name appears again in 1184, during the reign of William the Lion, in a charter to the monks of Coldingham. This Simon, the son of Gilbert's third son, married and had issue—an only daughter, Eda, who married Hugh de Lorens; for before 1165, "Hugo de Lorens et Eda uxor ejus *filia et hæres Symonis Fraser*" is found making a grant of the Church of Keth to the Abbacy of Kelso. Of this marriage there was issue—an only daughter, also named Eda, who married Hervey, son of Philip Keith, the King's Mareschal, to whom she carried the lands of Keth-Symon, so named from his grandfather, Simon Fraser. The male line having again failed in the descendants of Simon Fraser of Keth, we must go back to Bernard, second son of Gilbert's third son, who, as already seen, came into possession of Oliver Castle and lands in the reign of David I.

Bernard, as previously stated, succeeded to the estate of North Hales on the death of his aunt Maria, wife of Ness of Fortun, but the Frasers were subsequently succeeded in these lands, first, by the Gourlays, and next by the Hepburns. Bernard was the head of the family during the reigns of William the Lion and Alexander II., and his name often appears on record as a witness to charters granted by Alexander to the monks of Newbottle and other religious communities. Originally a mere vassal, he soon raised himself to the position of tenant in chief of the King. He also acquired Oliver Castle, the principal stronghold and the lands of the family, although not at that time its eldest male representative, and transmitted them to his descendants. He gave a mortification in favour of the monks of Newbottle for the salvation of his own soul and the souls of his predecessors, witnessed by King Alexander himself, by his Chancellor William Bondington, his

own brother Nessius, and other men of note. In 1234 he was appointed Sheriff of Stirling, an office of very great honour and influence which continued hereditary for many generations in his family. He accompanied William the Lion to meet King John of England at York, and was one of the Magnates, or Barons, of the Kingdom of Scotland who swore to the peace agreed on between Alexander II. and Henry III. of England, through the mediation of Otho, the Cardinal Legate, at York, in 1237, on which occasion they subjected themselves and the King to the jurisdiction of the Pope, if they should afterwards depart from the oath then made by them. He witnessed a charter by the same monarch ten years later in 1247, and is said to have died in 1250, "an aged and respectable person"; but that date is undoubtedly wrong, for he is witness to a charter of the Church of Foghou granted by William, son of Patrick Earl of Dunbar, in favour of the Monks of Kelso, as late as 1258.

Bernard, who was a very prominent personage during the reign of Alexander II., married Mary Ogilvie, daughter of Gilchrist, Thane of Angus, by his wife, Marjory,* daughter of Prince Henry of Scotland, the King's son, and sister of King Malcolm IV. and William the Lion, with issue—

1. Sir Gilbert, his heir and successor.

2. Fenella, said to have married Sir Colin Mor Campbell of Lochow.

3. Helen, who became a Nun and died in the Priory of Coldingham.

He was succeeded by his only son,

SIR GILBERT FRASER of Oliver Castle, "Vicecomes de Traquair," who flourished during the reign of Alexander III. He is believed to have been the second holder of the name of the Sheriffship of Traquair. An important lawsuit between William, Bishop of Glasgow, who held

* Marjory's eldest sister is said to have married Conan, Duke of Brittany, from which the House of Bourbon is descended, and another elder sister to have married Florence, Earl of Holland, from whom the Imperial House of Austria

that see from 1233 to 1258, and a lady named Mariota, was transmitted by the King's precept to and tried before Sir Gilbert "tunc Vicecomes de Travquair," the result of which was that Mariota resigned her claim to the lands in question "in curia vicecomitatu de Travquair." He is witness to a charter by Eugine, son of Amabil, in which he resigns his mansion of Stobo to Bishop William of Glasgow, and as Sheriff of Traquair he witnesses a charter by Christiana, granting certain lands to the Church of St. Mary, during the reign of King Alexander III.

Sir Gilbert was married, but his wife's name has not come down to us, with issue—

1. Sir Simon, his heir and successor.

2. Sir Andrew Fraser of Caithness, and Sheriff of Stirling in 1291 and 1293, who on the failure of the male line of his eldest brother carried on the male representation of the family, and became the progenitor of the Frasers of Lovat.

3. William Fraser, Bishop of St. Andrews and Chancellor of Scotland in the reign of Alexander III. Of this prelate, consecrated at Rome by Pope Nicholas III., "14th, Kal. Januarij, anno 1280," Anderson says that he was one of the Lords of the Regency chosen by the States during the nonage of the infant Queen Margaret. As one of the Regents, he was appointed to treat with the Norwegian plenipotentiaries on the young Queen's affairs. He rendered homage to Edward I. on the death of the Princess in 1291 and was created by that King one of the Guardians of Scotland, but he soon threw off the yoke, and "became a bright ornament of his country in her struggle for independence." While in favour with Edward, he was granted by that King the marriage of a widow, "nob Amabile que fuit uxor Petri de Morthington defuncti," on the 20th Jannary, 1291-2, "Habend absg. dispagatone ita gd. ille cui debet maritari nob, et regno Scotie fidelis existat." Within a month after the accession of John Baliol, Bishop Fraser joined several other powerful men in a complaint against the English king for withdrawing causes out of

Scotland, contrary to his Majesty's engagements and previous promises. A citizen of Berwick had appealed from the adjudication of Baliol's officers for administering justice in Scotland. Baliol opposed this mockery of his authority ; but the haughty reply of Edward silenced opposition, and left nothing to the timid puppet and vassal King of Scotland but ready compliance and assent. In spite of this check Bishop Fraser "continued his patriotic career undaunted." At his request the great Sir William Wallace turned all the English out of their church benefices in Scotland. Whatever truth may be in the assertion, that the invasion of the northern Kingdom by Edward and the terrible miseries "thereby entailed in Scotland, were the offspring of the Bishop's insinuations, it is certain he now made ample amends for his past faults. Yet it may not be improper to hazard the conjecture," continues the same writer, "that the letter addressed by him to Edward, 7th October, 1290, was rather the offspring of an earnest desire for the prevention of civil war than the crafty policy of a disloyal citizen bent on the overthrow of his country. The epistle may breathe the language of a courtier ; but it is to be hoped a speedy and successful termination to Baliol's pretensions and the removal of intestine discord were the motives for an act so pregnant with danger. The Scottish statesmen had yet to be made acquainted with the crafty temper and ambitious policy of Edward." According to Wintoun it was to this prelate that the Bishops of St. Andrews owed their privilege of coining money ; Fraser having obtained for them this liberty from Alexander III. in 1283. Bishop Fraser was one of the Commissioners who, in 1295, negotiated the fatal alliance by Baliol with Philip, King of the French, by which the latter agreed to give Baliol his niece, the eldest daughter of Charles, Count of Anjou, in marriage for his son and heir, the other Commissioners being Matthew, Bishop of Dunkeld, Sir John de Soulis, and Sir Ingram de Umfraville. Whilst Bishop Fraser was thus in his later years engaged in promoting the welfare of Scotland, he was seized with a fatal illness,

and he died without witnessing the ultimate triumph of measures which had been to some extent entered upon by his advice and continued by his counsel. "Worn out, from continued exertions, he retired to France, where grief for the disasters of his country put a period to his life at Arteville on the 13th September, 1297. His body was buried in the church of the Friars Predicants in Paris, but his heart, enclosed in a rich box, was brought to Scotland by his successor, Bishop Lamberton, and entombed in the wall of the Cathedral Church of St. Andrews, near the tomb of Bishop Gameline. His seal, the fraises on which connect him with the Tweeddale stock, may be seen in Anderson's Collection." *Diplomata*, plate 100.*

Sir Gilbert Fraser was succeeded by his eldest son, Sir Simon Fraser the elder. This

SIR SIMON FRASER is said to have accompanied King Alexander II. in a pilgrimage to Iona, when a young man, before that monarch's death, which took place in the island of Kerrera, near Oban, on the 8th of July, 1249, while on an expedition against the Thane of Argyle, who had refused to make homage for his Hebridean territories. Sir Simon was one of those who conveyed the King's remains, without ever leaving them, and attended the funeral in Melrose Abbey. He was present and a witness to the coronation of Alexander III. shortly after. He was one of the nobles who went as Commissioners to renew the ancient League with France, and who conveyed from thence Mary, King Alexander III.'s second Queen, to whom he was married at Roxburgh in 1259. He was held in high esteem by the King's mother as well as by that monarch himself, who had conferred upon him the honour of knighthood, and the High Sheriffship of Tweeddale, a position which, according to Chalmers, he held from 1263 to 1266. Alexander III. issues a precept dated the

* Anderson's *Historical Account of the Family of Fraser*, pp. 12-14, following the MS. of 1749, in the Advocates' Library, which in its turn is largely based on the Wardlaw Manuscript written more than a century earlier, in 1666.

25th of July, 1264, commanding him to pay annually, out of the mill of Peebles, half a chalder of oatmeal to the hospital of Soltre. He is witness to a charter by the same King, dated at Traquair on the 12th of December in the same year, and to a deed in favour of the monks of Kelso in 1266. In the reign of Alexander III., Sir Simon granted to the monks of Melrose the lands of Kingledoors, the Chapel of St. Cuthbert, and the lands of Hop-Carskine. He appends his seal, as "Dominus" Simon Fraser, to a charter by Hugh Crawford, granting the lands of Draffan to the monks of Kelso in 1271, and witnesses a charter to the monks of Coldingham by the Earl of Dunbar in 1279. He possessed the ancient heritage of his family—the lands and stronghold of Oliver Castle, Needpath, and other estates in Tweeddale—and his name appears among the Barons of Scotland, "Barones regni Scotiæ," by whom Alexander III., on the death of his only son, had the succession of his granddaughter Margaret, the Maid of Norway, daughter of his only daughter Margaret of Scotland, to the throne solemnly acknowledged, on the 5th of February, 1283. He was also one of the great Barons who, in 1289, in name of the people of Scotland, and in conjunction with the guardians and prelates of the Kingdom, wrote a letter to Edward I. regarding the proposed marriage of the same Princess to his son, Prince Edward of England; and in the following year he sat in the Parliament held at Birmingham. He supported the claims of Baliol to the Scottish throne until they were basely surrendered by that traitor himself to the English King, and Sir Simon, along with his brothers, William, Archbishop of St. Andrews, and Sir Andrew Fraser, and his nephew, Sir Richard Fraser, were four of the arbiters named by Baliol to determine the rights of the various competitors to the Scottish Crown, on the 5th of June, 1291. On the 12th of the same month, Sir Simon, according to Rymer, swore fealty to the English King at Norham, and on the 23rd of July, immediately following, he went through a similar ceremony at the monastery of Lindores,

under the designation of "nobilis vir Simon de Freshele." Among the others of the name who swore fealty was Richard Fraser, described in Ragman's Roll as "del comte de Dumfries," who was no doubt Sir Simon's nephew. On the 18th of August, 1291, a precept is issued in his favour by Edward I. as Keeper of the forest of Selkirk, enjoining him to deliver to William Fraser, Bishop of St. Andrew's, 30 harts; to Robert, Bishop of Glasgow, 20 harts and 60 oaks; to Adam, Bishop of Caithness and Chancellor of Scotland, 10 harts; to James, Steward of Scotland, 20 harts; to Patrick Dunbar, Earl of March, 10 harts; to William Sinclair, 6; to Brian, Preceptor to the Knights Templars of Scotland, 2 harts and four oaks; and varying numbers to different other persons.

Sir Simon, according to one authority, is said to have married, first, Grizzle, daughter of the Thane of Galloway, by whom he had two daughters, while the Advocates' Library MS. says that he married Anne Flava. He is elsewhere correctly said to have married, as his second wife, a lady named Mary, with issue—an only son, generally designated SIR SIMON "FILIUS," to distinguish him from his father, who was usually called SIR SIMON "PATER." The latter died in 1291; for on the 15th of January, 1291-92, Edward I. is found granting to William, son of John Cumine or Comyn, the keeping, during his pleasure, of the forests of Traquair and Selkirk in the same manner as Simon Fraser, "who died in autumn, 1291, held the same." On the 22nd of April, 1294, the feudal casualty of "the marriage of Mary, widow of Simon Frizel deceased, qui de corona Scotti termit incapite," is granted by Edward I. to Richard Seward. Sir Simon, Pater, was succeeded by his only son—

SIR SIMON FRASER "FILIUS," who was highly distinguished during the life of his father. "He was not inferior to his noble father in virtue, honour, conduct, and bravery, and though by his father's settlement on the children of the first marriage he was denuded of the far greater part of his paternal estate in the south, he was in

possession of a considerable estate and great following in the north ; and there are authentic documents to prove that he was in possession of some part of his paternal estate in the south ; for *Ille Dominus Simon Fraser, filius quondam Domini Simon Fraser, milites*, ratifies and confirms his father Sir Simon's donation to the monks of Melrose ; adding further to them by a new deed of his own free ish of entry for their cattle, through certain lands he had from Laurence Fraser, Laird of Drumelzier, to which deed there were, besides other witnesses, his own cousin Andrew Fraser, miles. He grants likewise to the same monastery a road to their carriages through his lands of Hoprew, to which his cousin, Sir Andrew Fraser before mentioned, is also a witness." He "is one of those glorious patriots whose memory is so highly extolled by our historians, both ancient and modern." "When King Edward the First subdued the Kingdom in 1296 Sir Simon behaved as became a true patriot on that occasion ; for we find he was one of those true-hearted Scotsmen whom King Edward, not daring to trust at home, thought fit to carry along with him to England, where he continued close prisoner for eight months, and was not liberated till June, 1297, when he and his cousin, Sir Richard Fraser, did, in imitation of all others in the same circumstances, submit to the conqueror and acknowledge him their Sovereign Lord, and promise upon having obtained permission to return to Scotland that they should stay no longer there than was necessary to equip themselves in order to attend that monarch in his designed expedition against France ; and that, if they failed in this they declared themselves willing that their persons, wives, families, and all they had in the world should be at his mercy. But it is certain they did fail ; nor did any Scotsman in these days believe that forced obligations were binding in conscience ; on the contrary, the best of them were the foremost to break through these oaths they thought more sinful to keep than to take. Sir Simon was one of those noble patriots, who, upon his return to

Scotland, joined the Guardian, Sir William Wallace, when he gave so many illustrious proofs of his zeal for his country and his loyalty to his king, and withal of his own merits and parts, that when that renowned hero, in a full assembly of the nobles at Perth, laid down his double commission of General of the army and Guardian of the Kingdom—as Sir John Cumine of Badenoch, Wallace's greatest enemy, was chosen Guardian, because of his near relation to the Crown—so Sir Simon Fraser was thought fittest, after Wallace, to command the Scots army, and accordingly was chosen General by the Guardian and the States. He had been always a faithful adherent of Sir William Wallace, nor could the Guardian have a more fitter or more proper colleague; witness the ever memorable victory gained at Roslin on the 25th of February, 1302-1303, over Ralph Comfray, King Edward's Treasurer, and one of the chief commanders of his armies, where at the head of the Scots army, he defeated and routed three fresh bodies of English, which outnumbered them by nearly three to one, in succession in one day, making this glorious victory and the valour of his countrymen the talk and admiration of all Europe, if not of the civilised world.* He is described by all the ancient historians as “the glory and ornament of his country.” Fordun calls him “Simon Fraser bellicosus omne praedita,” while Wintoun says that he was “manly, stout, bold, and wight,” and Buchanan who, by a slip of the pen in one place calls him “John,” speaks of him as “the most powerful man in all Tweeddale.” Sir Walter Scott calls him “the flower of chivalry,” and Chalmers says of him that he was one of the most distinguished statesmen and gallant soldiers during a struggle when it required all the wisdom and all the valour of Scotland to preserve her national independence, while no one gives credit to Sir John Cumming for any specially distinguished bravery.

Sir Simon appears on record on the 12th of May, 1292, when Edward I. directs a precept to Master Alan

* MS. in the Advocates' Library.

of Dumfries, Chancellor of Scotland, commanding him to issue letters under the Great Seal, discharging Simon Fraser of a hundred merks as the relief due by him for all his lands held of the English King in Scotland. On the 3rd of September, 1296, the same King addresses a mandate to all the Sheriffs in Scotland ordering them to restore various sub-tenants to their possessions. Among them is one to the Sheriff of Lanark, in favour of Richard Horseley, described as a tenant of Simon Frezel. Anderson, following closely the authority already quoted, says in reference to Sir Simon's release and return to Scotland in 1297, that "on the 28th of May of that year he engaged to serve King Edward in his wars against France, promising to return to Scotland and equip himself for the expedition. His family was left at the tyrant's mercy, if he failed, and his cousin, Richard Fraser, became a party for his performance. The desire of liberty most probably influenced him to a concession so inconsistent with his principles. Whether Sir Simon did implement his engagement is uncertain; but on the 21st of August, 1297, we find him restored to the enjoyment of his estates, to be held at the King's pleasure; and on the 4th of October in the twenty-sixth year of Edward's reign (1298) a command is issued for his attendance at the Scottish Wars." On the 25th of November, 1298, Edward, dating from Newcastle, addresses the following order to his "beloved Simon Fraser, greeting"—

"Whereas we have charged our beloved and faithful John de Kingstone, our Constable at the Castle of Edinburgh and Sheriff of the same place to make a raid, which he cannot do with his own Company without having more sufficient aid, and we take it much to heart that this expedition be made safely, well, and effectually, we recommend and pray, and charge you, strictly enjoining you that whensoever the said Constable shall let you know, or shall command you, leaving all else without delay and all kind of excuse, you come to him with twenty armed horses, doing whatever he shall enjoin you upon our part. For be it known to you that we are very anxious that the said expedition should succeed well. And to do this fail not in any manner in which you are bound to us, and as you love our honour."

On the 1st of December following, Sir Simon is ordered to join Sir Walter de Huntercumbe "and spy out all the news about the Scots enemy" and send it to Sir John de Kingstone, Constable of Edinburgh Castle, by Sunday next, and they are to get word back regarding a foray for which Fraser is commanded to supply twenty horses. On the 27th of March, 1299, Edward finally restores to Sir Simon Fraser all his lands and tenements in Scotland which had been forfeited on account of his own and his father's "rebellion" against the English King.*

But notwithstanding this Sir Simon, like so many more of his countrymen, considered the concessions extracted from him by force as in no way imperative; and, soon after his return to Scotland, he repaired to the Guardian, Sir William Wallace. A truce having been concluded at Dumfries, on the 30th of October, 1300, by the mediation of France, between Edward and the Scots, notification of it was made to Sir Simon Fraser "Guardiano Forestæ de Selscirk." He had already proved himself too dangerous an adversary to be entrusted with power, and about a year afterwards, the battle of Roslin having been fought in the meantime, Sir Aymer de Valance, who subsequently for a time succeeded Sir Simon in his paternal inheritance, is found occupying the wardenship of Selkirk forest, from which Fraser had apparently been removed.

The following account of the famous Battle of Roslin, at which the Scots so greatly distinguished themselves, is taken from the Fraser manuscript in the Advocates' Library :—

The truce subsisting between the two nations was broken by the English on the 25th of February, 1302-3. John de Segrave, Edward's "Governor of Scotland," suddenly marched from Berwick towards Edinburgh, with an army of 20,000 men, chiefly consisting of cavalry, commanded by some of Edward's best and oldest leaders. Among these were Segrave's brothers, very gallant knights, and

* *Historical Documents Relating to Scotland*, Vol. II., pp. 336-337; 339-340; and 369.

Robert de Neville, a noble baron, who had been engaged with Edward in his Welsh wars. Segrave's instructions were cruel and severe—to put down, even to refusing quarter, if necessary, to all "breakers of King Edward's peace"—to make Scotland a waste, and to root out all her defenders. Meeting with no opposition on his march northward, Segrave had separated his army into three divisions, for the convenience of forage, and the more effectually to ravage the country; and on the 23rd of February he advanced to Roslin, near Edinburgh, where each division encamped on its own ground, without establishing any communication with the others. The first division was led by Segrave himself; the second, probably by Ralph de Manton, who, in virtue of his office as Paymaster, was called Ralph the Cofferer; and the third by Neville. Early on the morning of the 24th of February, Segrave and his soldiers were slumbering in their tents in careless security, when a boy rushed in and called out that the enemy was upon them! The news proved true. Sir Simon Fraser and Sir John Comyn, hearing of the approach of the English, had hastily collected a small but chosen army of about 8000 horse, and making a forced march during the night from Biggar, attacked the first division of the enemy in their encampment at break of day.

Never was surprise more complete or effective than that which befel the English camp on Roslin moor—that camp containing nearly 10,000 men, the best of the invading army. Sir John de Segrave did the part of a brave leader, and strove to hold his men together and in order, but in vain. He himself, after receiving a severe wound, was made prisoner, and the seizure of their leader being soon bruited about among the confused English, the battle became a rout, and the rout was followed by flight, and for a short space by hot pursuit. There were taken prisoners sixteen knights and thirty esquires, the brother and son of Segrave were seized in bed, and a large number of common soldiers made captive.

The Scots had begun to collect the booty and calculate the ransom, congratulating each other on their victory, when they were surprised to perceive the second division of the English approaching. A cruel but necessary order was given to slay the prisoners, and this having been done, they moved stoutly forward and attacked the enemy, who after an obstinate defence, were put to flight with great slaughter—the high patriotic spirit again prevailing over the mere lust of plunder, for by these feelings were the combatants really animated respectively. The men of the North a second time worsted their Southron adversaries, and drove them finally from the field of Roslin. But this new success was bought at the cost of severe and heavy losses, though the detriment to the vanquished far overbalanced that sustained by the conquerors. The capture of Ralph the Cofferer, a rich booty, and many prisoners were the fruits of this second conflict, and we may well suppose that the Scots, content with the glories of a double victory, would willingly have enjoyed relaxation from their labours. But they were not destined to be so fortunate : a third marvel was yet to succeed on that day, as if to make it for ever memorable in the warlike annals of Scotland. While the Scotsmen were unbuckling their armour, the third division of the English army, led by Sir Robert Neville, was seen approaching in the distance in “sad array,” reinforced also by the fugitives of the other divisions, and a third battle had to be fought betwixt the morn and the eve on the Moor of Roslin.

Sir Simon Fraser and Sir John Comyn now indeed felt some alarm lest the spirits of the Scots should sink under their unparalleled exertions ; for, worn out and weary with their night work and two successive conflicts, weak and hungered with long fasting, numbers of their companions lying slain or sorely wounded, groaning and bleeding to death, it was no wonder that they were somewhat dismayed as they saw a third English army, more numerous than either of the other two with whom they had already on that day made “twice right hard assay.”

The little Scots army thought of an immediate retreat, but this probably the close proximity of Neville's division rendered impossible. Their leaders ran through the field and beseeched them, for their country's wrongs, to meet this last attack with stout hearts. Sir Simon Fraser addressed his army in a bold and encouraging tone—and as Wintoun nobly adds, “what need for more?” The spirits of the Scots were stirred up afresh by his bold and confident address, and after again resorting to the same horrid but necessary policy of putting their prisoners to death, they armed the followers of the camp with the captured armour, and advanced to meet the English attack, when an obstinate conflict began and was fought with such energy that few had leisure to yield or prisoners to make. At length, Sir Robert Neville fell covered with wounds. This did not immediately determine the issue, but it threw the English at once into partial confusion, cheered on their foes, and the determined bravery of the Scots finally led to the third rout witnessed by Roslin Moor on that eventful 24th of February, 1303—a day without its like in the past, and beyond the chance of being equalled in the future!

There occurred in this battle, a striking, but cruel trail of national animosity. Ralph the Cofferer had been taken prisoner by Sir Simon Fraser, and this Paymaster of Edward, like many of the Bishops and ecclesiastics of those fierce times, preferred the coat of mail to the surplice. On the order being given to slay the prisoners, Sir Ralph interceded with Sir Simon Fraser for his life, and promised a large ransom, observing that he was a priest. “This laced hauberk is no priestly habit,” observed Fraser, “where is thine albe, or thy hood? Often have you robbed us of our lawful dues, and done us grievous harm. It is now our turn to scan up the account and exact the payment. For all the priests of Rome, thou shalt have thy doom, as thou has served in deed.” Saying this he first struck off the hands of the unhappy priest, as being polluted with the wages of iniquity,

and then with one blow, severed his head from his body.

The last Southern army fled in even greater disorder than the two preceding ones, leaving camp equipage and all behind, and thus did from eight to ten thousand Scots, for the numbers are variously recorded, vanquish and disperse successively under brave and skilful leadership, three armies amounting in all to nearly 30,000 men. The remains of the English army fled to Edward in England, and the Scots after reposing from their fatigues, collected and divided the booty, which was exceedingly rich, both in armour and in prisoners, and returned home with honour—"Ilk ane hame wyth honoure past," says old Wintoun.

The circumstances under which the action was fought have been minutely detailed by the Scottish historians, who have with pardonable vanity, exulted in the daring prowess of their countrymen. Much as it contributed to rouse the energies of the nation at large, it was of material importance in impressing a lofty estimate of Scottish valour upon the other States of Europe, now to be convinced that the contest was one of no mean interest, but upon the contrary, presented the august spectacle of a people combating for political existence. Sir Simon Fraser's conduct on the occasion is spoken of in high terms by our ancient historians. Fordun in his *Scoto-chronicon*, says that Sir Simon was not only the main instrument in gaining this remarkable battle, but in keeping Sir John Comyn to his duty as Guardian, during the four years of his administration. The Scots were everywhere ecstatic with delight at the issue of the battle of Roslin, and everywhere rose in numbers to the assistance of their victorious countrymen. All the fortresses yet held by Edward's forces were taken and garrisoned by their lawful masters. The English King was indeed once more completely deprived of all footing in Scotland. This great success was mainly owing to the continued labours of Sir Simon Fraser and his associates during the remainder of the year 1303; during which time, as the old chroniclers state, and recent

discoveries confirm, Wallace had gone to France to secure the friendship of King Philip.

Incensed at the successful opposition to his arms at Roslin, Edward, on the 25th of February, 1303, at the head of a large army crossed the Border, and entered Scotland in the following May, having reached Roxburgh on the 17th of that month, Edinburgh on the 4th of June; crossed the Spey on the 25th of July and lay "at the manor of Rapenach" in Moray; at Elgin on the 26th; at Rothes, on the 29th, from which he sent Sir John de Cantelow and Sir John Hastings "to search the district of Badenagh"; and at Kildrummie Castle, in Mar, on his way south on the 31st of July, where he remained until the 1st of August following.* His army, with his principal officers at its head however carried the war into the north Highlands, where they reduced the Castles of Urquhart in Glenurquhart, and Dounie in the Aird. To reduce Castle Dounie, it was necessary as in the case of Urquhart, to lay "a regular siege, and, by throwing stones by capultae, from trenches still to be seen at 700 yards distance," by which means it was taken, demolished, and dismantled. "The remains of the *Dune* or Celtic fortification are still visible, and all its ditches and covered ways exhibit a curious specimen of ancient fortification. The country people have a romantic tradition of it, handed down from father to son, and the names of some places about preserve the memory of its surrender; as for instance, the hollow to the east of Beaufort, where the army halted, is called in the language of the country, *Lagnaloncart*, that is the 'hollow of the baggage.'† This is quoted by Anderson, who adds that Beaufort as well as its subsidiary fortalice of Lovat, were at that time forts belonging to the Crown, of which the Fentons and Grahams were governors, and continued to be so even after the Bisset lands on which

* Journal of the movements of King Edward in Scotland, given at length in the original French, with an English translation in the *Historical Documents Relating to Scotland*, Vol. II. pp. 25 to 32.

† MS. in the Advocates' Library.

they were built had been granted to the Frasers. "They appear," he says, "to have been held by Royal Constables from the attainder of the Bissets in 1242 to the year 1367, when Hugh Fraser does homage as laird of Lovat." The first mention of the fort of Lovat occurs in the reign of Alexander I., when that king, in 1120, made an expedition to the North and quelled an insurrection of the people of Moray, who had revolted under the leadership of Angus, their Maormor, and settled Constables in the Castles of Elgin, Inverness, and Dingwall. "One Gilchrist Mc Kill-
weralicke was appointed Constable of the fort of Lovat, and he is said to have surrounded it with a ditch, and built the front tower. His descendants, Gilchrists or Graemes, as they are called, continued in Lovat till the year 1170, when John Bisset, a man of eminence at the Court of William the Lion, married the King's own daughter, and settled there under Royal authority. His second son, John, succeeded him, and married Jean Haliburton, daughter of the laird of Culbrynnie, anno 1206." Haliburton was one of a set of small proprietors who held of and were known as the Bisset's Barons, the chiefs of whom were Tomson, Baron of Pharnua ; Corbet, Baron of Drumchardinny ; Mac-Gillandrish, Baron of Moniack ; Christie, Baron of Foyness ; Haliburton, Baron of Culburnie ; and Fenton, Baron of Eskadale. And there is no doubt that in those days tribes of Mackays and Macraes inhabited the Clunes, Achryvaich, Aberiachan, Kilfinnan, and Urquhart, as vassals of the Bissets. The Macraes, or rather MacRas, as they were then called, continued after the Frasers settled in the district as their vassals in the same lands which they previously occupied under the Bissets.

On the 9th of February, 1304, Cumming or Comyn and his adherents entered into an arrangement with Edward at Strathorde, in terms of which he capitulated, to save himself and his followers, while he traitorously sold his country to the English usurper. But Sir Simon Fraser patriotically held out and declined to submit, in consequence of which he, along with Sir Thomas Boyes, was banished for three

years not only from Great Britain and Ireland but even from France. In the same year he was exempted from Edward's Act of grace, and was fined in three years' rent of all his estates. The following are the conditions of capitulation :—

1. That all who submitted with the Guardian, John Cumming, should neither be imprisoned nor disinherited, except Robert, Bishop of Glasgow, Thomas, Stewart of Scotland, John Soules, David Graham, Alexander Lindsay, Simon Fraser, Thomas Bois, and William Wallace.

All these were to be banished but the last-named, who must submit himself wholly to the King's mercy, which, as is well known, he scorned to do.

2. That the fines to be exacted for former faults should be regulated by the King in his next Parliament.
3. That all the strongholds in the King's hands should remain so and the charge of keeping them be defrayed by the owners.
4. That the prisoners on both sides be released.

Every man of influence in the Kingdom, except Sir Simon Fraser, Sir William Wallace, and the band of patriots who comprised the garrison of Stirling, followed the example of Cumming. The traitors were pardoned and indemnified by the English Parliament held at St. Andrews, to which Edward summoned the Scottish Barons who had again come under his allegiance. The patriots were proclaimed outlaws and their estates forfeited, and they ultimately sacrificed their noble lives in the undying service of their country. The redoubted Sir William Wallace continued most deservedly to be the idol of his countrymen for the glorious part which he took in establishing the independence of his fatherland, but "if to him be due the glory of being the first to awaken Scotland from her ignominious slumber, his efforts were nobly seconded by Sir Simon Fraser, who alone of the aristocracy was indisposed to view with envy the merit which called this hero to command." The history of this sanguinary period of Scottish history is sufficiently well known, and needs no recapitulation here. The great Sir William Wallace was shortly after the forfeiture of the patriots betrayed by the

infamous Sir John Mentieth, then Sheriff of Dumbarton, after which he was put to death with all the ignominy which could be heaped upon the immortal hero, on the 23rd of August, 1305, "maintaining to the last the intrepidity of character which had so eminently distinguished him." Another champion was, however, soon found in the person of Robert the Bruce, who after many vicissitudes of fortune and hairbreadth escapes was crowned King at Scone Palace on the 27th of March, 1306. Among the earliest of his friends and supporters, who were at first but few among the aristocracy, was Sir Simon Fraser. On the 24th of June following, Bruce was surprised and his camp forced at Methven, near Perth, by the English army. He fought with his wonted intrepidity and valour, but in course of the fight he was thrice unhorsed. Sir Simon Fraser, fighting with equal gallantry, was at his side, and helped him to remount, but both were ultimately obliged to withdraw before the overwhelming forces by which they were so unexpectedly surrounded, and Bruce had to seek shelter in the Island of Rathlin and other places in the Western Isles. Sir Simon Fraser was taken prisoner by David de Breghyn, handed over to the tender mercies of Sir Aymer de Valance, conveyed in irons to London, and executed on the 8th of September, 1306, under circumstances of the most cruel and horrible barbarity.

Some of the Scottish prisoners already in the Tower had so much faith in Sir Simon's intrepidity and courage that one of them, Sir Herbert de Norham, declared in the hearing of their keepers, that the hero could not be taken, and he felt so much assured of this that he consented to lose his own head should the current report of Sir Simon's capture turn out to be true. And he soon had to pay the penalty; for we are told that when soon after he saw Sir Simon led out to execution he knew that his own fate was sealed, and the same hour witnessed the cruel death of the great patriot himself, Herbert de Norham, and Thomas de Boyes, Sir Simon's armour-bearer. John, Earl of Atholl, was also among the heroes put to death, as well as Robert

Bruce's three brothers, Nigel, Thomas, and Alexander, his brother-in-law, Sir Robert Seaton, Adam Wallace, brother of Sir William, the Earl of Argyll, and several others. But, according to the author of *The Annals*, "the sentence executed on Sir Simon was far more severe than on the others. He was kept in fetters while in the Tower, and on the day of his execution he was dragged through the streets as a traitor, hanged on a high gibbet as a thief, and his head cut off as a murderer. Then his body, after being twenty days in derision fixed to a wooden horse, was at last consumed in a fire, and his head placed near that of Sir William Wallace on the Bridge of London." Some writers have said that Sir Simon accompanied Bruce to the Hebrides and the North, but there seems to be no doubt that he was captured at Methven, and soon after put to death as here described. He was executed in the 49th year of his age.

According to another and more detailed account Sir Simon was carried to London attended by a strong guard under Sir Thomas de Multon and Sir John Jose, with his hands heavily ironed, his legs fettered under his horse's belly; and as he came in at Newgate and passed through the city a garland of periwinkles was in mockery placed upon his head. He was lodged in the Tower, and was tried before Sir Thomas de Multon, Sir Ralph Sandwich, and Sir John Abel, justices appointed to try the Scottish knights. He was accused of being a traitor to King Edward, but to this charge he disdained to reply. He was condemned to suffer the death of a traitor, with all its circumstances of refined cruelty. As he passed through Cheapside from the Tower to London Bridge, crowned with laurel in mockery, on his head a garland of the new guise, and his executioners exulting as if on a joyful occasion, his fate was pitied by the spectators. He was hanged, cut down while still living and beheaded, his bowels torn out and burnt, and his head fixed beside that of Wallace on London Bridge. In death the heroes were not divided. The trunk was hung in chains, and strictly guarded lest

his friends should remove it. Superstition mingled its horrors with that of a ferocious State policy, and the citizens of London were taught to believe that demons were seen ramping with iron crooks, running upon the gallows, and horribly torturing the dead body. It is always painful to think of mutilations of the human frame, but true it is that the arms or hands of Sir Simon Fraser were sent to Scotland to be placed on certain castle gates with the dread label:—"This is the relic of a traitor." So perished in his fiftieth year the great Sir Simon Fraser. Renowned for personal gallantry and high deeds of chivalry his fate is dwelt upon at great length and with savage exultation by the English historians.*

There is no doubt that the direct male line of the Southern Frasers ended with Sir Simon, the Younger, though there were several male descendants of collateral and younger branches of the original family still in existence. All the authorities agree on this point. Anderson following the Advocates' Library MS., says distinctly that "Sir Simon left no son to revenge his wrongs, his two daughters divided his extensive estates between them. With him may be said to expire the direct male line of the south country Frasers, though, it will be seen, they still retained a partial interest in that quarter, after having been undoubtedly the most conspicuous family in Peebles-shire during the Scoto-Saxon period of our history, from 1097 to 1306. The ruins of the Castles of Oliver, Fruid, Drumelzier, and Needpath attest their ancient greatness. The Lord Simon de Friseil is the title by which Hollingshed addresses the great Chieftain of these important territories. Sir Simon," he continues, "is said to have married Mary, daughter of Bisset of Lovat, and thereby have laid the foundation of the illustrious house of the Lords Fraser of Lovat. This popular opinion is by no means correct; for Mary Bisset, daughter of Bisset of Lovat, was married to Gregory le Grant, whose sons witness an agreement between John Bisset and Archibald,

* Advocates' Library MS.

Bishop of Moray, on the 9th of September, 1258, about the Church of Conway (Conventh) and lands of Erchless. At this time Sir Simon was only *two* years old according to a MS. of the Saltoun family (in Author's hands). Besides, Sir John Bisset last of Lovat," the same writer adds, "had no male heirs," and only three daughters, Mary, Cecilia, and Elizabeth, who married, respectively, Mary, Sir David de Graham "de Loveth," with issue—Patrick Graham; Cecilia, William Fenton of Beaufort; and Elizabeth, Sir Andrew de Boscho, "Dominus de Redcastle," with issue—Maria de Boscho, *Domina* de Kilravock, who married Hugh de Ross,* from whom the family of Rose of Kilravock, and of which place, which she carried to her husband, she has a charter from John Baliol in 1293.

Sir Simon's eldest daughter married Sir Hugh Hay of Locherell, the male ancestor of the Lords of Yester and the Earls and Marquises of Tweeddale, who in consequence quartered the arms of the Frasers with their own paternal bearings. In right of this marriage the Sheriffship of Peebles, hereditary in the senior branch of the Frasers, devolved upon the heads of the house of Yester, in whose family it continued for many generations, until they lost it in consequence of Lord Yester having permitted certain prisoners to escape from the prison of Peebles. As a punishment for this feudal delinquency and supposed breach of trust James V. deprived the Yesters of this important and responsible office, but even then he conferred it on Lord Fleming, the representative of Sir Simon Fraser's younger daughter and co-heir. Lord Yester, however, raised an action in the Supreme Court, and after full enquiry had been made, the grant to Lord Fleming was annulled, and the Sheriffship was again conferred on Lord Yester, who represented the elder sister, as part of his ancient inheritance through the marriage of his ancestor to Sir Simon Fraser's elder daughter. The estates and interests of the family were subsequently sold to the head of the noble house of Queensberry, and they are still held

* *Kilravock Papers*, p. 27.

by his heir of entail, the Earl of Wemyss. Being the nearest heirs general of the old stock of the Frasers, the Lords Yester bore the principal arms of that ancient family. "The fraises in their escutcheons were placed in saltier, or after the form of a Saint Andrew's Cross, just in the very same way and the same colours as the Lords Lovat are proved to have carried them, by Heraldic MS. in the Advocates' Library and the authority of Nisbet's Heraldry. Hence," says Anderson, "as the Frasers of Philorth did not bear them after this method, and the Frasers of Lovat did, the inference is clear that the latter were the senior branch."*

Sir Simon's second and younger daughter married Sir Patrick Fleming of Biggar, the direct male ancestor of the Lords Fleming and Earls of Wigtoun, who, as already stated, for a time held the Sheriffship of Peebles. Her family also quartered the arms of the Frasers with their own.

The direct male representation of the two Sir Simons, father and son, having failed, we must now revert to

SIR ANDREW FRASER of Caithness and Sheriff of Stirling, second son of Sir Gilbert Fraser of Oliver Castle, and Sheriff of Traquair, immediate younger brother of Sir Simon the Father, and paternal uncle of Sir Simon the Younger, the "Great Sir Simon," whose line, as has just been shown, ended on his own death in 1306 in two daughters married respectively into the families of Yester, now Tweeddale, and Fleming, subsequently represented by the Earls of Wigtoun. Sir Andrew was the first of the family who acquired property in the north of Scotland. Previous to his time the Frasers had no connection whatever with the county of Inverness, where now for nearly six centuries they have held extensive estates, wielded great influence, and secured for themselves in many ways distinction and renown. Sir Andrew seems only to have possessed a comparatively small property in the south of Scotland, part of which he gifted, as already stated, to the Abbey of Kelso. But by marriage with a wealthy heiress,

* *Historical Account of the Family of Fraser*, footnote, p. 32.

he acquired very extensive estates in the county of Caithness—then and far on into the seventeenth century comprised in the Sheriffdom of Inverness. That he held vast possessions in that county is proved by a letter or mandate from Edward I., addressed in 1296 to John de Warren, Count of Surrey, in Sir Andrew's favour, from which it is found that in that year Edward ordered that noble Earl at the time his Warden of the Kingdom of Scotland, to cause to be delivered to Sir Andrew Fresel or Fraser, who was about to go into England beyond the Trent, a hundred merks of the dowry of his wife in Caithness for the maintenance of himself, his wife, and family, and that all the lands and tenements which were of his wife's dowry in that county should be restored to him for the same purpose. The original document is in the following terms:—

“R. di et fi suo Johni de Warrena Comiti Surr. custodi regni et terre sue Scotti salt. Quia de gra' n' ra' speciali concessimus Andre Fresel qui p' p' ceptu n'rm in Anglia p' sturus' est ultro Trentam et ibidem ad voluntatem n'ram p' ut ordinavimus moraturus centum marcas p' cipendas de exitibus terras et ten. que sunt de *dote uxoris sue* in Catania ad sustentato'em suam uxoris et *familie sue* donec aliud inde duximus ordinand' ita quod si *terre* et *ten'* p' dta valorem annua centum marcus non attingant de eo q'd inde defeuit p' vos suppleatr' vobis mandamus q'd p'fato Andr. p' dtas centu marcus h.ere faciatis in forma p.dta. T. R. Apud Morpath primo die Octobr.”

From this it is clear that Sir Andrew Fraser acquired a very extensive estate in Caithness in right of his wife, yielding a large revenue for those days, and according to the author of Critical Notes upon Ragman's Roll he was about the same time known as “Dominus de Touch” in Stirlingshire, a property, it seems, first conferred upon him when appointed to the Sheriffdom of that county. It afterwards came into possession of Sir Alexander Fraser, his youngest son, of whom presently.

Sir Andrew was a very distinguished character in his day, and he is repeatedly mentioned in the annals of the period. “The first notice we have of him,” according to

Anderson, "is in June, 1291, when he swore allegiance to Edward I. at Dunfermline, being designed *nobilis vir Dominus Andreas Fraser*. Baliol nominated Sir Andrew one of the umpires to decide the contest for the Crown, 5th June, 1291; he was present when that pusillanimous Prince did homage to Edward on the 26th of December, 1292. He was Sheriff of Stirling in 1291 and 1293, and *Dominus de Touch* in the same county. By a mandate of Edward I. on 3rd September, 1296, Andrew Fraser's lands in Fife, which he held of Ada de Valoynes, were ordered to be restored to him. On the 25th of June, 1297, the same Prince bestowed upon him the manor of *Ughtrethrestrother* (*hodierne Struthers*) in Fife. Animated with the ardent zeal which distinguished the Scottish nobles, Sir Andrew Fraser and his son are deservedly eulogised for their valorous exploits, in defending against a cruel and vindictive enemy the liberties of their native country. Sir Andrew does not appear to have long survived Sir Simon, his gallant nephew. We learn from the *Chartulary of Kelso*, that he executed a mortification, with consent of Beatrix, his wife, to that religious house, under the appellation of *Andreas Fraser, filius quondam Gilberti Fraser, militis*, of a caracute of land in Wester Gordon. Both Chalmers and Crawford explicitly state that Sir Andrew was the son of Gilbert Fraser, who was *vicecomes* of Traquair. But the previous authority is conclusive of the fact; because there was no other Gilbert, except the Sheriff who figured at the time. Sir Andrew, obviously as a relative, is a witness also to deeds by Sir Simon, the grandson of Gilbert. As in a subsequent document to the above in the *Chartulary of Kelso*, and relative to it, in 1308, Sir Andrew is styled 'of good memory, now deceased,' he may have died about the latter period."* Sir Andrew must thus have become the male representative and head of the house of Fraser on the death of Sir Simon Fraser in 1306. As has been already shown he married Beatrix, a wealthy Caithness heiress, with issue—

* *Historical Account of the Frasers*, pp. 33, 34.

1. Simon, his heir and successor, and first of the Frasers of Lovat.

2. Sir Alexander, a knight of "high reputation and great natural endowments." He was Chamberlain of Scotland, and along with his brother, Simon, was among the chief men who repaired to the Royal Standard and took a distinguished part in the battle of Inverurie in 1308. After the sieges of Forfar and Brechin, he accompanied King Robert the Bruce to Argyleshire, with the view of recovering that part of the West Highlands from his inveterate enemies, the Cummings of Badenoch, and as a reward for his distinguished services the King gave him his sister, the Princess Mary, widow of Sir Nigel Campbell of Lochow, in marriage. This must have occurred before 1316, for the first charter to Sir Alexander and Mary his spouse, "our beloved sister," appears to have been granted in that year, the tenth of her brother's reign, and there is a subsequent entry of a charter in Robertson's Index to Sir Neil Campbell, to Mary his wife, sister to the King, and to their son John, apparently in the same year. Mary Bruce died before the 22nd of September, 1324, for the King granted to Sir Alexander a charter of six acres of arable land in Achincairny, adjacent to "our manor of Kincardine," to be held by him and his "heirs legitimately procreated betwixt him and the *deceased* Mary Bruce, his wife, our beloved sister." Sir Alexander was appointed Chamberlain of Scotland in 1325, in which year he is found issuing a precept in that capacity to the Aldermen and Bailies of Roxburgh to pay twenty shillings per annum to the canons of Dryburgh out of the farms of that town. He is on record as one of the "Barones" in the second deed for the settlement of the Crown in 1318, and his name appears in the famous letter addressed to the Pope by the Scottish nobility, dated the 6th of April, 1320. He was appointed to the Sheriffdom of Kincardine, an office which must have been conferred upon him from his having acquired a large estate in that county, the only property which he seems to have inherited from his father as his

appanage being that of Touch, subsequently confirmed to him by the King. He was killed at the battle of Duplin on the 3rd of August, 1332, without male issue, but he left a daughter Margaret, who married William Keith, and had issue—John Keith, who married a daughter of King Robert II. by whom he had one son, Robert, whose daughter married Alexander, first Earl of Huntly, on account of which the Dukes of Gordon quartered the Fraser arms with their own. In the 26th year of his reign, David II. confirmed a charter by William Keith and Margaret Fraser, his wife, "*neptis et heres bone memorie quondam Domini Alexandri Fraser, milit.*" Sir Alexander's daughter inherited all his estates and thus carried them into other families of distinction. Some peerage writers and genealogists have confounded this Sir Alexander with Alexander Fraser of Cowie and Durris, undoubted progenitor of the Frasers of Philorth, Lord Saltoun, but for this assumption there is no foundation whatever, as will be fully shown when that ancient and highly respectable family is dealt with in its proper place later on.

3. Andrew, killed, apparently unmarried, with his brothers Simon and James at the battle of Halidonhill on the 22nd of July, 1333.

4. James, who married Margaret, the heiress of Fendraught. In a list of dispensations of marriage in favour of persons within the prohibited degrees of consanguinity by Pope John, XXII., found by M. de Marini in the Archives of the Vatican, is one—"Dispensatio Jacobo Fraser, Aberdonen, et Margaretæ de Ferendraught," dated 1322. James was also killed, along with his two brothers, at the battle of Halidonhill, without issue.

So far as to the origin of the Frasers. We shall now proceed with an account of the principal family of the name—the Frasers of Lovat.

THE FRASERS OF LOVAT.

I. SIMON FRASER,

Eldest son of Sir Andrew Fraser who died in 1308, about two years after his distinguished and gallant cousin, the "Great Sir Simon," was the first of the family who appears to have inherited any lands in the county of Inverness. We have already traced his father to the county of Caithness, but how and when the son first became connected with the vast estates inherited by his descendants in the Lovat district is not recorded, and it has hitherto been found impossible to fix any approximate date of the important event. Simon first appears on record in 1308, when he joined Robert the Bruce at the battle which that immortal hero fought with the Earl of Buchan that year at Inverurie.

His name is confused by Crawford and other writers, including the author of *The Annals*, with his cousin german, Sir Simon Filius, but Barbour mentions him explicitly at this period, along with his younger brother, Sir Alexander, whom he distinctly describes as "his brother." That writer was contemporary, and as a rule he is very accurate in his statements. And it is fortunate that what he says in this instance is fully supported by authentic record, for in an original charter of the reign of Robert I., preserved in the Arbuthnot charter chest, the names of "Sir Alexander Fraser, knight, and Simon Fraser, his brother," thus specifically designated, appear as witnesses in the testing clause. "The very fact indeed," says Anderson, "of Simon not being here called Knight, is of itself decisive, the Great Sir Simon having, long before 1300, attained that degree in chivalry, in an age when such an honour was held in the highest estimation. Simon Fraser, therefore, the brother

of the Chamberlain, and necessarily son of Sir Andrew Fraser of Caithness and Touch, was quite a different person from Sir Simon the Patriot, who was considerably his senior, and had deceased before he began his career, though certainly a man of note, and zealously attached, like him, to the cause of Scottish freedom. He is mentioned in record from the period above stated down to 1333, when, uniform in his politics, he closed a life of renown at the battle of Halidonhill along with his brother Andrew, evidently so designed after Sir Andrew their common parent, and another brother of the name of James."

At a very early period Simon attached himself, like the other leading members of his family, to the fortunes of Robert the Bruce, and took a distinguished part with him at Bannockburn and other memorable engagements against the English invaders of his country. He also fought along with David II. at the battle of Duplin, where his brother, Sir Alexander Fraser was killed on the 3rd of August, 1332. He was among those who refused to submit to Baliol after that disastrous reverse to the national arms, and shortly afterwards, he, along with Robert Keith, Alexander Lindsay, and his own brother James, at the head of their followers besieged and retook the town of Perth from the enemy. On the 25th of December 1332, he surprised Baliol at his paternal residence in Annandale, having along with Archibald Douglas marched to Moffat at the head of a thousand horse, suddenly attacked the Pretender's army, and completely routed it, with the result that Baliol escaped from the field, half naked, on horseback, without bridle or saddle, while his younger and more valiant brother, the gallant Henry was killed on the spot. **1912238**

At the battle of Halidonhill, fought on the 22nd of July, 1333, where Simon Fraser and his two brothers, Andrew and James, were in the van, the three heroes were slain along with the flower of the Scottish nobility, among those who fell on that fatal and disastrous day being Lord Archibald Douglas, Hugh Earl of Ross, the Earls of Sutherland, Carrick, Atholl, Lennox, and Menteith; Sir Duncan

Campbell, and many more of the best blood in Scotland.

Abercromby states that after the battle of Inverurie and the sieges of Brechin and Forfar, Sir Alexander accompanied the King to Argyleshire, for the purpose of recovering that district from the Cummings, and the author of *The Annals*, who, however, confuses the great Sir Simon with Simon his cousin all through, says that after Inverurie, Simon and his friends "marched south with the King, and was with him at the sieges of Forfar and Brechin. But his Highness being, it seems, unwilling to lose men and time in mere sieges, and desirous to make himself master of the lands possessed by the Cummings and their allies, his inveterate enemies, he marched straight to the shire of Argyle where the Lord Lorn, a near relation of the Cummings, endeavoured to obstruct his progress by posting 2000 men on a high mountain, over which it was necessary the army should pass. But the King having got notice of his design, sent a strong detachment under the command of Sir James Douglas, Sir Alexander Fraser, and Sir Alexander Grey, with orders to fetch a circuit about, and by this means to get up the hill by ways the enemy had not taken care to guard. The stratagem succeeded, and the Highlanders found themselves charged both by that detachment and the main body of the King's army. The Master of Lorn, (afterwards) John Earl of Argyll, having seen his men cut to pieces, fled and escaped by sea into England; so that his father was forced to give up both his own person and his strong Castle of Dunstaffnage to the King's person. Simon (the "Sir" is dropped) Fraser, after this, served King Robert with great valour and fidelity in all the lesser victories he obtained, and had the honour to signalise his courage and conduct in the glorious battle of Bannockburn." Later on, the same writer says that Bruce rewarded Simon by bestowing upon him "many charters of lands in the North, some of them upon his own resignation; for we find that even before this, he had a great interest in the Highlands, from the seasonable assistance his father and he afforded the King when His Majesty

retired to the North after the battle of Methven." And he adds that "besides the lands he formerly possessed in Inverness-shire, he was made Constable of the Fort of Lovat, and the Constabulary of the Castle of Elgin was bestowed by the King on Sir Patrick Graham, who was Constable of Lovat, and even in Bisset's time designs himself of Lovat, which I take to be the reason why Simon, or his father, did not design themselves of Lovat before this time," although, according to our author, they had inherited it for a considerable period prior to that date. He further adds that the King's bounty did not stop here, but that as a distinguished mark of his Royal favour he gave Simon his niece, Julia Ross, daughter of Hugh Earl of Ross, by Matilda Bruce, the King's sister, in marriage. Anderson, however, marries him to a Caithness heiress, and after discussing the various *pros* and *cons* regarding his position and parentage sums up in these words—"Simon is on all hands admitted to be the immediate male ancestor of the noble family of Lovat, styled in the Highlands, the descendants of Simson, or Simon, their grand patronymic after him, whose possessions in that quarter, from the most remote period that can be discovered, always lay in the Sheriffdom of Inverness, or in the Sheriffdoms adjoining. They were the root of all the Frasers in that part of Scotland; from no other stock did they take their origin." Further, that they were the Chief of the name, and of the old Frasers of the south, will still be more apparent from what will be afterwards stated. Simon, like his father, also formed a very honourable matrimonial connection, as was extremely natural, with a lady in Inverness-shire. In 1325 there is a memorandum of complaint by Simon Fraser and Margaret his wife lodged against the Sheriff of Inverness. By the title of a missing charter, printed in Robertson's Index, and dated in 1330, he is proved to have married Margaret, one of the heiresses of the earldom of Caithness, and to have claimed either a part or the whole of that earldom, which descended, however, to another co-heir. In 1330 is also recorded "the complaint of Symon Fraser

and of Margaret his wife, and one of the heirs of the Earl of Caithness, concerning the Earldom of Caithness," dated at Kinross on the 4th of December in that year. And the same authority adds, that Simon Fraser was the son of Sir Andrew Fraser, but that it is uncertain on what ground his wife claimed an interest in the earldom of Caithness.* Skene is of the same opinion. "Simon Fraser," he says, "was the first of the family of Lovat. By marriage with Margaret, daughter of John, Earl of Orkney and Caithness, he obtained a footing in the North. On the death of Magnus, the last earl of his time, he unsuccessfully contested the succession with the Earl of Stratherne, but at the same time he acquired the property of Lovat, which descended to his wife through her mother, the daughter and heiress of Graham of Lovat."† All the authorities agree that by this lady Simon had issue—

1. Simon, his heir and successor.

2. Hugh, who succeeded his brother Simon.

3. James, who was knighted by Robert III. on the occasion of his coronation, when James, along with his uncle Alexander, attended. He was killed in the Anglo-Scottish wars, unmarried.

4. Janet, of whom nothing is known.

Simon was slain, as already stated, at the battle of Halidonhill on the 22nd of July, 1333, and was succeeded by his eldest son,

II. SIMON FRASER,

A minor, only ten or eleven years old when his father fell. He fought at the siege of Perth in 1339 when a mere youth of seventeen years and greatly distinguished himself for one so young. The army was composed of four divisions, one of which was commanded by William Earl of Ross, under whom young Simon first took the field in any national enterprise, and gave such signal proofs of his

* *Origines Parochiales Scotiae*, vol. ii., part ii., p. 806.

† *Highlanders of Scotland*, vol. ii., p. 312.

valour as justified his friends and followers in expecting that he would prove worthy of his great ancestors. The Scots afterwards proceeded south, laid siege to and captured the Castle of Stirling. Continuing their victorious career, they soon surrounded it, and on the 17th of April, 1341, by a clever stratagem, in which Simon Fraser took a leading part, took the Castle of Edinburgh. Buchanan describes at some length the manner in which the famous stronghold was captured, and the other historians of the period give versions which, on the whole, vary but little.

The author of *The Annals*, who closely follows Buchanan, gives the following account of the proceedings :—

“ One Walter Currie, a merchant, had a ship, laden with wine and provisions, at Dundee. Sir William Douglas, Lord of Liddesdale, sent for him to come to the Forth with his ship ; and having communicated his design to William Bullock, an Englishman gained over by Sir William Douglas to the Scots interest, Currie pretended to be an Englishman, and brought some bottles of fine wine and other small presents to the Governor of the Castle, and asked of him as a favour that he might be allowed to deposit some of the rest of his provisions there, as in a place of safety, and to let him know if he or the garrison stood in need of anything, and that he would cheerfully supply them to the utmost of his power. The Governor ordered him to bring some hogsheads of wine, and a quantity of biscuits, and promised him access whenever he pleased, wishing him success. Currie told him that he would come early in the morning for fear of being discovered by the Scots. Douglas, and twelve chosen men, whom he had picked out that night, having put on sailors’ habits above their armour, advanced towards the Castle, carrying the provisions ; and having placed their friends in ambush, as near the Castle as they could, they desired them to wait the signal. Sir William Douglas and Simon Fraser, having advanced a little before the rest, they ordered them to follow them at due distance. Douglas and Fraser being admitted by the porter within the pallisades, or outward rampart, and observing that the keys of the gate hung over his arm, they immediately dispatched him, and without any noise opened the gate to their friends, to whom, as they had agreed, they gave the signal, blowing a horn. This alarmed both the garrison and those that lay in ambush ; and while both parties ran to the gate, the Scots threw down their burdens in the very entry of the gate, to prevent the gate being shut before the Scots could climb up the steep ascent they had to come up to the castle. After a sharp

engagement, and great slaughter on both sides, the garrison surrendered, having been all killed on the spot, except the Governor and six men."

In December 1341 a truce of four months was arranged between the Scots and the English, on condition that if King David, then in France, did not return by the following May, the former would submit to the latter. The Scottish nobility thereupon, according to Froissart, living at the time, sent four of themselves, including Sir Robert Vesey and Simon Fraser, to inform the King of what they had agreed upon, but David sailed from France before they arrived, and landed with his Queen at Inverbervie, in the Mearns, on the 2nd of July, 1342. Simon, who was a great favourite and constant attendant at Court, accompanied the King to the disastrous battle of Durham, where David was defeated and taken prisoner in 1346, and Simon Fraser severely wounded. He, however, managed to escape and find his way north to Lovat, where he recovered from his wounds, but died soon after, unmarried, in February 1347, in the 25th year of his age, was buried at Beauly, and was succeeded by his next brother,

III. HUGH FRASER,

Of Lovat, the first of the family on record designed "of Aird and Lovat," both places, as is well known, being situated in the county of Inverness, and still possessed as the principal estates of the family by Hugh's descendants. He was served heir to his father in 1349, and in the *Charterulary of Moray*, under date of 11th of September, 1367, he is mentioned as Hugh "Dominus de Loveth et portionarius terrarum de Ard," doing homage to the Bishop of Moray for his share of the half davoch lands of Kiltarlity and Esser, and the fishings of the River Forn, now the Beauly and Farrar. In the same year he witnesses a charter by Walter Leslie, Dominus de Ross, concerning certain rights which Eufemia de Sancto Claro had acquired to the lands of Torry in Buchan and the lands of Brea,

Druim, and Broom, within the Sheriffdom of Inverness.*

Hugh is said to have been indefatigable in his day in helping to keep down the turbulent actions of the northern tribes so characteristic of the times in which he lived, and to have been appointed King's Lieutenant in the Highlands. In this capacity he is said to have received a commission and to have taken a prominent part in a clan conflict fought in the Black Isle in 1372. In that year a body of Maclennans from the west invaded the eastern portion of Ross, and pillaged Tain and the Chanonry. Returning westward they encamped for the night on the ridge now called Drumderfit, between Munlochy and Kessock Ferry. Hugh Fraser of Lovat, at the time King's Lieutenant, having heard of their depredations resolved to punish them. Collecting his men, he marched to their encampment, and by the aid of the Provost and citizens of Inverness who, in terms of a preconcerted plan, there met him, he put every one of them to the sword, except one individual who concealed himself unobserved under a "Lopan," a primitive kind of cart, from which, according to tradition, his descendants, who afterwards occupied the farm of Druim-a-deur, or Drumderfit, for four hundred years, derived the name of Loban, modernised into Logan. The Frasers and Macraes, who then resided at Clunes in the Aird, as vassals of the Frasers of Lovat, secured the assistance of the citizens of Inverness under the following circumstances. The Maclennans had sent word to the Provost from their encampment that unless Inverness paid a heavy ransom the invaders would cross the Firth, set fire to the town, and put the inhabitants to the sword. Provost Junor made a pretence of agreeing to their proposal, and as an earnest of his intention and good faith, despatched a large quantity of strong liquor to the camp. The Maclennans being greatly fatigued and without provisions, eagerly partook of the intoxicating fluid, and then fell into a profound slumber. In the meantime the wily Provost collected the stoutest and most warlike of the citizens,

* *History of the Family of Innes*, p. 18.

ferred them across Kessock during the night, and meeting the Frasers and Macraes, who had just arrived as previously agreed upon, joined them and at once attacked and slaughtered every one in the camp, except the man already named. The ridge is still thickly strewn over with cairns to commemorate the dead, and it is to this day known as "Druim-a-deur," anglicised Drumderfit, or the Ridge of Tears.

Two years after, in 1374, Hugh is said to have taken part, with two hundred of his vassals, at the battle of "Bealach-nam-Brog," in the county of Ross, between the Heights of Ferindonald and Lochbroom, full details of which are given in Mackenzie's *Histories of the Mackenzies and of the Macdonalds*.

Early in the following year the scattered remnant of the tribes who had fought against Lovat at "Bealach-nam-Brog," numbering about a hundred, gathered together during Lovat's absence in the south in the forest of Coire-Charbie, eight or nine miles above Beauly, and from there made raids and pillaged the fertile lands on the lower grounds, their main object being to seize Lovat's son Alexander, who was then being educated and residing with William Cumming, Prior of Beauly. Having received intelligence of their hiding place, he gathered together a number of his most resolute and daring fellows on both sides of the river, and overtook them unawares at Ardnagrask, killed many of them and pursued the survivors to a place south of Beauly, still called "Blar-nan-Sgallag," where their leader and six of his men were slain. They were buried under a cairn, to this day called "Carn-nan-Sgallag," near Bearn-nan-Sgallag, or the Gap of the Men-Servants, both so named from the fact that the victory was mainly won by the assistance of Lovat's men-servants, commonly called in Gaelic "Sgallags." The remnant who escaped were followed for about a quarter of a mile to the west of Kilmorack Church, where seven of them climbed up a thick tree that hung over a precipice overlooking the river. One of the pursuers, observing the

situation, with his battleaxe cut the branches on which the unfortunate fellows rested, and they all fell into and perished in the rushing stream below. The rock has ever since been known as “Beum Earacais,” or the *Coup de Grace*.

When on the death of King David Bruce, who died in Edinburgh Castle, without issue, on the 22nd of February, 1371, his nephew, Robert Stewart, son of his sister Marjory Bruce succeeded him, Hugh Fraser proceeded to Perth, attended his coronation there on the 27th of March following, and was a member of the Parliament which then met in that city.

On the 16th of March, 1377, he resigned the lands of Fayrlehope in the barony of Linton, or Linton-Rothrok, as it was then called, in the county of Peebles, in favour of Sir James Douglas, as will be seen from the following original document preserved in the Douglas charter chest:—

“Universis ad quorum notitiam presentes lettere pervenerint Adam Forster salutem in Domino Sepiternam. Noveritis me de reverendo domino meo domino Jacobo de Douglas domino de Dalkeith, pro homagio et servitio meo quandam cartam recepisse hec verba precise continens. Omnibus hanc cartam visuris vel audituris, Jacobus de Douglas dominus de Dalketh, Salutem. Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse dilecto et fideli nostro Ade Forster pro homagio et servitio suo nobis impenso et impendendo totam terram de Fayrelehope cum pertinentiis infra baroniam de Lyntonrothrok, in vicecomitatu de Peblis, que fuit *Hugonis Fraser Domini de Lovet.*”

Anderson argues that the fact of this Hugh Fraser, Dominus de Lovat, being proved by this charter—though resident in the north, “where the principal estates, like those of his immediate ancestors lay”—to have inherited land within the barony of Linton in Peebles-shire, contiguous to Traquair, the seat of the ancient Frasers of the South, and of their representative, Gilbert Fraser, Sheriff of Traquair, is of great importance. “For,” he says, “combined with the circumstances formerly unfolded it is clearly indicative of Hugh’s descent from the latter, through Sir Andrew, his son, who married the heiress in Caithness.

By the custom of that age, as could be proved by many contemporary instances, younger sons were always provided in a portion of land of their father's inheritance." Having given a particular instance, he states, "that such an arrangement, at a period when money was scarce, was obviously what might have been expected in parallel situations. By parity of reason, therefore it may be presumed that Fayrelehope descended to Hugh of Lovat as the heir of an ancestor of the name of Fraser, who was a younger son of the Sheriff of Traquair; and of course, none so likely, considering all that has been transmitted to us, as of the son of the Sheriff of Traquair, who has been mentioned. The general inference from all the facts seems unavoidably to lead to this conclusion; and whilst Hugh of Lovat is thus proved to have held a portion of land as a descendant of the principal family of Fraser, it has as yet fallen to the lot of no other stock of the Frasers to be able to adduce such a piece of evidence in support of any conceived claim to the Chieftainship that they may imagine to be inherent in them. Not only is this the undoubted fact, but it may be further stated, as convincing and commanding arguments, that the house of Lovat, when raised to the peerage, were created, *per excellentiam*, Lords Fraser simply, though the family afterwards added the name of their estate to the title, and bore, in the 15th century, the very arms of the Frasers of Peebles or Traquair, which the noble family of Tweeddale, their eldest heirs of line, quartered with their own; namely, five fraises, placed after the form of a St. Andrews Cross. We have seen that the chief of the Oliver Castle branch was always styled, as designative of his quality, 'The Fresel.' That the family of Lovat, therefore, when ennobled, should retain the same characteristic, is only to be accounted for by their succeeding to the principal male representationship; and in this respect, again they are singular from every other family of the name of Fraser. The allegation, too, of Nisbet, that the *male representative* of the Frasers of Oliver Castle in Tweeddale is said to have got great possessions in the North of Scot-

land, which he and his successors enjoyed under the title of *Lord Fraser*, leads obviously and directly to the same result."*

Hugh appears to have been remiss in his payments of the various rents under which he held from the Bishop of Moray the Church lands which had formerly been possessed by John Bisset, for on the 30th of November, 1384, an agreement is entered into between Dominus de Lovat and Alexander Bishop of Moray by which Fraser without any further allegation of danger or war or any other cause, on payment of £20 by two instalments and fifty shillings additional, is to be relieved from paying all back dues for the annual rents of Kiltarlity, the Ess, or Moniack, or the grain of the parish of Wardlaw, and he at the same time promised to support the Bishop in his holdings, particularly in that of the two Kinmylies, and agreed to help him to recover that part of the annual rent of the lands of Kiltarlity and the Ess which affected the portion of a nobleman, William Fenton in the said lands.† His name appears during the regency of Robert Duke of Albany in a charter of confirmation to Peter de Striveleyne and his son John, dated the 30th of March, 1410, of an original charter by him dated the 30th March, 1407, of the lands of Easter Brecky in the Barony of Kynnell, Forfarshire, in which he is described as "Hugo Fraser Dominus de Lovat et de Kynnell." That he was dead before 1410 is clear from the fact that he is referred to in the charter of confirmation of that year as the *quondam* Hugonis Fraser de Lovat, his designation of Kynnell having apparently been dropped when he parted with the lands situated in the barony of that name.

According to the MS. already quoted Hugh continued to tread in the footsteps of his distinguished predecessors, adhering firmly both to King David and his nephew and successor King Robert. But the character he has of him, he says, shows that "he was very unfit for a courtier. He

* *Historical Account of the Family*, pp. 47-49.

† *Register of Moray*, p. 195.

was a man of great vivacity and sprightliness, full of courage and resolution. He disdained mean complaisance, and even in the King's presence he could maintain what he spoke and speak what he thought right and just, however dangerous and disagreeable. He had such an absolute command of the passions and such an evenness of temper that he was compared to the Caspian Sea that never ebbs or flows."

Hugh Fraser married Isabell, daughter of Sir David Wemyss of Wemyss, ancestor of the Earls of Wemyss, with issue—

1. Alexander, his heir and successor.
2. Hugh, who succeeded his brother Alexander.
3. John, progenitor of the Frasers of Knock, in the county of Ayr, he having married the heiress to that property, commonly known as Knockmiller, with issue.
4. Duncan, who married Elizabeth, daughter and heiress of Archibald Dallas of Dallas, and became the ancestor of a tribe of Frasers in Morayshire. With consent of her husband Duncan Fraser, this lady, in 1428, disposed her rights to the lands of Dallas to her uncle John Dallas of Easter Foord, who was the heir-male of that family.
5. Margaret, who married John Hamilton of Bushernock, ancestor to the Laird of Bardonie, Stirlingshire, the contract of marriage in 1395 being ratified by charter from Duncan Earl of Lennox.
6. Agnes, who married Lachlan Mackintosh, VIII. of Mackintosh, Captain of Clan Chattan, with issue—one son, Ferquhard, or Farquhar, who renounced the chiefship,* but whose descendants are the heirs-male of the family, and a daughter Margaret, who married Thomas Chisholm, IX. of Chisholm, with issue—two sons, Alexander and Wiland, both of whom succeeded one after the other to the Chisholm estates.
7. Cecilia, who married Alexander Innes of Innes.

Hugh is said to have died at Lovat in 1397 and to have been interred in Beauly "with great pomp." He, however,

* The Mackintoshes of Clan Chattan, pp. 131-132.

lived for several years after this date (see his charter to Peter de Striveleyne in 1407). But he was undoubtedly dead in 1410.

The author of the MS. in the Advocates' Library says that "this noble person lived mostly in great peace and happiness," esteemed and beloved by all his neighbours, especially by the clergy, whom he esteemed and honoured. They showed him the greatest marks of their regard while he lived and "the only mark of their esteem they could give him when he was dead. He died at Lovat in the seventieth year of his age, and had the burial of a Prince, especially so far as the clergy could contribute towards it. The Bishop of Moray, Alexander Bar, and Thomas Tulloch, Bishop of Ross, with all their dignities, the Abbots of Kinloss and Fearn, the Priors of Pluscardine and Beauly, with their Orders, attended the funeral, which appeared like a procession of Churchmen, till the body was interred within the Church of Beauly." His lady is said, on the same authority, to have survived him only for six months.

He was succeeded by his eldest son,

IV. ALEXANDER FRASER,

Of Lovat, who was retoured during his father's life-time, at Inverness, in 1398. He had been at Court for some time but he preferred and led a life of retirement and devotion. He was a great benefactor to the monastery of Beauly, and built a steeple of carved oak which stood upon its western pinnacle, placed a curious bell in it, assisted in beautifying and adorning the church and cloisters and usually resided within the precincts. "It is a pity," says the family annalist, "that he was not a churchman, having often declared that he would rather serve at God's Altar than be advanced to the greatest State preferments. He was a pattern of primitive piety and sanctity to all around him." He devolved the care and management of his estate on his brother and successor Hugh, long before his own death. Notwithstanding his great piety and

sanctity he had a natural son in his earlier years, generally called "Rob Mac-a-Mhanaich"—Robert the Monk's son, his Lordship being so called because of his solitary and retired life with the Monks. This Robert was the progenitor of one of the most numerous tribes of the Frasers, known as "Sliochd Rob Mhic-a-Mhanaich," or the descendants of Robert the son of the Monk.

In 1410, during this Alexander's life, Donald of the Isles claimed the Earldom of Ross in right of his wife. His first step was to proceed with an army to the county of Ross, the inhabitants of which soon submitted and admitted his claims. This naturally encouraged him, many of the people joined him, and at the head of a large body he marched in the direction of Beauly, where he halted and drew them up, on the plains of Kilchrist, just opposite the Castle of Lovat. From here he despatched a messenger to Fraser to point out the injustice that was being done to him by the Governor, and seeking his assistance in asserting his just rights to the Earldom. But instead of agreeing to aid or encourage him Alexander did all that he could to dissuade the Island chief from what appeared to him to be his hopeless attempt, at the same time representing to him how improper and dangerous his proposed proceedings might prove at such a juncture in the history of Scotland, "when the young king was a prisoner in England, the Kingdom under a regency, England ready to break in upon the least intestine jars among ourselves, and farther, that it was running a risk of losing his real right to have recourse to the sword at that time." Donald, incensed at this answer, advanced at once with his forces, crossed the Beauly, and laid siege to Lovat. But the attempt to take it by storm proved fruitless. It was sufficiently strong to resist a mere passing army, and fearing that, if he remained in its vicinity for any lengthened period, some of the neighbouring clans might come to Lovat's rescue, and considering also that by staying there he might lose the best season of the year for his journey to Aberdeen to meet the Governor, Donald raised the siege, and having

pillaged the surrounding country, proceeded to Inverness. On his arrival there he called upon the inhabitants to join him, but they refused, whereupon he sacked the town, and gave the greatest part of it to the flames, including the oak bridge which then spanned the river, described as the finest of its kind in Scotland. Donald then marched eastward, swept through Moray and Banff into Aberdeenshire, where he fought the famous battle of Harlaw, the details and result of which are so well known as to require no recapitulation here.

With the exception of his pursuit of the MacIvers, Macleays, and the Macaulays, while Master of Lovat, the remnant of those who opposed his father at "Bealach-nam-Brog" and his slaughter of them at Ardnagrask, Blar-nan-sgallag, and Kilmorack, already mentioned, Alexander does not appear to have taken any prominent part in the feuds and broils of his time. He died unmarried and was succeeded by his next brother,

V. HUGH, FIRST LORD FRASER.

He was served heir to his father in 1415, and by his marriage with the heiress of William Fenton of Beaufort, son of Thomas of Dounie, he acquired a considerable portion of the lands belonging to that family and to the Bissets. He appears first on record as Lord "of the Lovat" in an indenture, dated the 16th of September, 1416, and entered into at Baky between William of Fenton, Lord of that Ilk, and Hugh or Hutcheon Fresel, Lord of the Lovat, on his marriage with Fenton's sister. The marriage settlement is written in the old Scots language, and describes the parties thereto as "twa noble lordis and knychtis." In terms of the contract the Lord of Lovat is to take to wife Janet, sister to the Lord Fenton, who, in consideration of the marriage, dispones to the Lord of Lovat and the said Janet the lands of Guisachan, Comar Kirkton, Mauld, Wester Eskadale, in Strathglass, within the Barony of the Aird, and until the lands of Uchterach are recovered, the two Buntaits in pledge, all in conjunct

fee and to the heirs of the marriage. The Lord of Lovat at the same time obliges himself to give Janet in name of dowry the sum of twenty pounds out of the lordship of Golsford, in the Sheriffdom of Nairn, and if there should be any deficiency it is to be made up by Hugh Fraser out of the lands of Dalcross, which the family seems to have possessed even at that early date.* From the date of the document it is clear that the Lord of Lovat possessed that property, of which he is therein designed, before his marriage, and that it was not brought to him, as some writers have maintained, by his wife, as heiress to her mother, one of the daughters and heiresses of the Bissets. A charter of confirmation of the marriage contract is granted on the 16th of September, in the 25th year of the reign of James I.—“Sciatis nos quasd Indenturas facietas inter Vilielmum de Fenton de eodem et Hugonem Fraser de Lovet, supra maritagium inter dictum Hugonem et Janetam de Fenton,” etc., from which it is evident that Hugh Fraser, although commonly called Lord, or rather Laird of the Lovat, was not at this early period recognised by James I. as one of his Lords Barons.

The question has been repeatedly argued, What is the real meaning of “*dominus*,” the word used in the original, and whether it is decisive as the mark or stamp of nobility, or simply means *laird* or gentleman? “If we go back,” says Anderson, “to the latter ages of the Roman Empire, we shall behold it given promiscuously to men of rank and apparently sinking in esteem. From being the peculiar attribute of princes it becomes the distinguishing characteristic of the Crown vassal. ‘It remembers me,’ says Sir George Mackenzie, ‘of a custom in Scotland which is but lately gone into desuetude; and that is, that such as did hold their lands of the King were called lairds—but such as only held them of a subject, though large and their superiors noble, were only called good men.’ With us

* *Register of the Great Seal*, iii., No. 95. The document is printed at length by Edmund Chisholm Batten as an appendix to his *Priory of Beauly*, pp. 303-305.

indeed the word *dominus* was of old applied to every land-holder. Till the time of James I. (who succeeded his father, Robert III., in 1406), we find no distinction between the greater and the lesser barons. The Latin word applied indiscriminately to either; all were *pares* or peers in the Courts of Justice, and the *laird*, as well as the lord, derived a title from his landed estate. James reaped lessons of wisdom in the school of adversity. He had marked the peculiar excellency of the English constitution; and he resolved to impart its blessings to his own subjects. Impressed with the importance of separating the peers from the country gentlemen, and strengthening the third estate, he drew a line of distinction between them by the creation of Lords of Parliament, and separated these from the other barons or lairds. Had he assigned peculiar privileges to the representatives of the Commons, as Mr Pinkerton observes, Scotland like her neighbour might have benefitted by two Houses of Parliament. But the privilege of voting was confined to the freeholders of the Crown; the electors shrunk from the expense attendant on the duty of a representative, or meanly followed their peers when they might have legislated in a distinct assembly. The Act of 1587 completed the removal of barons by tenure, and the introduction of Lords of Parliament without election. We are thus to behold a new aera in the Scottish constitution, and the *verbum dignitatis* henceforward applied to the barons by creation. But the defective state of our records leaves it a matter of uncertainty how these were constituted. It is generally supposed that the King either created the landed estate by a charter into a comitatus or dominium, or in Parliament named the title by which the party ennobled was in future to be designed; and the person having been girt with a sword, was proclaimed by the heralds a Lord of Parliament. The style of Lord Baron, as it was conferred for services in war, or assistance in Council, was certainly in its original character, a male fief, nor did its feudal strictures vary till the reign of James VI., when patents, having reference solely to a title of honour separate

from any territorial grants, came into use. It was admitted that in the family of Lovat there never was a patent; and the question of their creation as Lords Baron must be subject to the evidence of record." Dr Hill Burton agrees with Anderson on this point. He says that the date when the Frasers of Lovat "became lords of Parliament cannot be assigned; their dignity was held by tenure, not by writ, and is found in existence in the middle of the fifteenth century. Their wide estates, including flat, fruitful land, as well as those Highland districts in which the people lived by plunder or the chase, give them a mixed character; and the Baron of Lovat was at one time a lord of Parliament, partaking in the counsels of the monarch; at another the mountain chief retired within his fastnesses, and was more absolute and independent in Stratherrick than the king at Holyrood."* Other authors, including Douglas, Crawford, and Nisbet, agree that the actual date when the family came to the Peerage is not known. They were possibly promoted to that honour by James I. after 1430, but there is no voucher to show that they were Peers of Parliament until 1472, in the reign of James III.

In any event it is certain that at that date the family were ranked among the Scottish nobility. On the 22nd of June, 1605, a proclamation was made that "Dukes, Marquesses, Earls, Lords, and Barons should show their evidents to the effect that (we) know who is most worthy, and every man to have his own place in Parliament, and other proclamations, that they compear the first of November, their haill names being read out by the messenger." In compliance with this order a decree of ranking of the Scottish nobility, as authorised by James VI. was given out, dated the 5th of March, 1606, narrating the citation of the different nobles (Simon Lord Fraser of Lovat being one of the number) and setting forth the order of precedence to be as therein shown in all time coming. In this decree Lord Lovat stands between Lords Oliphant and Ogilvy—after the former and before the latter. Among

* *Lives of Simon Lord Lovat and Duncan Forbes of Culloden*, p. 6.

the vouchers tendered by Lord Lovat in proof of his creation and precedence as a Lord of Parliament we find this entry—"Lovat. Compeirit not Lord Lovat. *Ex Registro.* Ane indentour maid in Englich, 3 Martij, 1426 [should be 1416] betwixt two noble and myghtie lords, Williame Fenton, Lord of that ilk, on the ane pairt, and Hew Fraser, Lord Lovat, on the other pairt, anent the marriage of the said Lord Lovat with Janet Fenton, sister of the said Williame Lord Fenton; quilk indentour is confirmit be the king, 16th September, anno 1430, in Libro Regist. Chartarum." This, however, does not prove that he was a Lord of Parliament.

In 1422 the following curious contract of marriage was entered into between Hugh and the Earl of Moray on behalf of unborn children :—

"At Elgin, the ninth day of the month of August, the year of our Lord a thousand four hundred and twenty-two years, between a noble lord and a mighty Thomas Dunbar, Earl of Moray, on the one part, and a nobleman Hugh Fraser, Lord of Lovat, on the other part, it is 'traitit, concordit, and impointit' in form and manner as after follows, that is to say, that the said Lord Lovat is obliged and by this letter obliges himself that his son and his heir will marry and take to wife a daughter of the said Lord the Earl gotten or to be gotten on Isobell of Innes; and the daughter gotten between the said Lord the Earl and Isobell of Innes, failing, as God forbid they do, the said Lord of Lovat is obliged that his said son and his heir shall marry and take to wife a daughter of the said Lord the Earl, to be gotten between him and his spoused wife; and this heir, the son of the said Lord Lovat failing, as God forbid he do, but if he leave a daughter heir or daughters heiresses, the said Lord Lovat, is obliged, as before, to give that daughter his heir or his daughters heiresses, to the said Lord the Earl's son, or son to be gotten between him and his spoused wife; and these heirs, male or female, sons or daughters, of the said Lord Lovat, failing, as God forbid they do, the said Lord Lovat is obliged and by these letters obliges himself, that his heirs, whatsoever they be, shall hold and fulfil the treaty, concordance, and impointment, now as before-written, to the said Lord, the Earl of Moray; for the which marriage, leally and truly to be kept in form and manners as is before written, to the said Lord the Earl, without fraud or guile, the said Lord the Earl has given and granted to the said Lord Lovat, and to his heirs, the barony of Abertarff, in blench farm, after the tenor of his charter

purporting in itself, and the ward and the relief of umquhile William of Fenton, Lord of the Baky, and of Alexander of Chisholm, Lord of Kinross, pertaining to the said Lord the Earl, within the Aird and Strathglass, in the Sheriffdom of Inverness, within the Earldom of Moray, after the tenor of the evidence made to the said Lord Lovat thereupon, and fifty merks of the usual money of Scotland, after the tenor of his obligation made thereupon. In witness of the which thing, the seals of the said Lord the Earl, and the said Lord Lovat, interchangeably are to be put, the place, day, month, and year before written.”*

Mr Chisholm Batten, who prints the foregoing as one of the Appendices to the *Priory of Beauly*, says that the *dominium utile* of Abertarff must have belonged to the Frasers before this, and that they probably derived it from a daughter of Patrick Le Grant, Lord of Stratherrick.

When in 1423 it was agreed to liberate James I. from his eighteen years' captivity in England a safe conduct was granted to several of the Scottish nobility to cross the Border and meet him at Durham, and among them is found the name of “Hugo Fresale de Lovet,” and when, in 1424, that monarch returned from England with his Queen, Lady Joanna Beaufort, daughter of the Duke of Somerset, “Hugo Dominus de Lovat” was one of the hostages given for his ransom. This shows that he was a man of very high standing and importance—of the first rank—among the Scottish aristocracy.

The disturbed state of the Highlands at this period is well known, and need not here be gone into. But it may be stated that Hugh of Lovat, “by his authority and prudent conduct,” not only protected his own vassals from the encroachment of their neighbours, but what was as difficult in those times—at peace among themselves. He greatly improved the paternal estate by his marriage with Janet, daughter of Thomas and sister of Lord William Fenton. His piety afforded the means of building the north work of the Church of Beauly and the Chapel of the Holy Cross, and he obtained the privilege of a fair to be held there on the 3rd of May annually, called Cross

* Spalding Club Miscellany, v. 256.

Fair, which the family historian of 1749 speaks of as continuing in his time. He likewise erected a famous cross at Wellhouse, which was afterwards brought to Beauly, and of which a portion at least still remains. He assisted the King in his endeavours to secure tranquility and good order on the occasion of and after his Majesty's visit to Inverness in 1427, for which he was subsequently rewarded by a grant from King James as Earl of Ross of the lands of Gifford, Kynobody and others, in the county of Nairn, and the barony of Kinnell in the county of Forfar, the charters to these lands being dated the 14th of September, in the 25th year of the King's reign. In 1431 Hugh was appointed High Sheriff of Inverness-shire, which then, as already pointed out, extended far beyond its present bounds, including the more modern counties of Ross, Cromarty, Sutherland, and Caithness. He is said to have met the King at the Spey on his way to the North in that year, on which occasion James appointed him to this high and responsible office, and in the same year he is said, by some authorities, to have been created a Lord of Parliament, but this has not been fully established.

He "had the satisfaction to see his son married with the Earl of Murray's daughter, and was along with him at Darnaway, where the marriage was solemnized with the utmost magnificence; for besides nobility and gentry, there were present Robert Stratlock, Bishop of Caithness; James Wood, Bishop of Ross and Columba; Dunbar, Bishop of Murray; and the entertainment was no less splendid when the Lady was brought to Lovat."*

Hugh, generally called first Lord Lovat, married, in 1416, as already stated, Janet, daughter of Thomas and sister of William Fenton, Lord of that Ilk, with issue—

1. Thomas, who undoubtedly succeeded as Lord of Lovat, but of whom none of the family historians, including Anderson, has any notice.

2. Alexander, who died unmarried before his father. His brother Hugh, afterwards third Lord Lovat, was,

* MS. in the Advocates' Library.

on the 22nd of May, 1430, served heir to "his brother" Alexander in a third of the barony of the Aird, and in the barony of Abertarff, comprehending the lands of Stratherrick, the third of Glenelg, the three Leys, Muccovy, Balvraid, Lienach, the two Daltullichs, and Dalcross, the whole extending to 10 merks new extent, equal to 340 merks old extent, to which Alexander had been specially served before the Sheriff of Inverness, and all held of the Earl of Moray, ward and relief. These lands must have been granted to Alexander during his father's and eldest brother's lifetime, for both lived until 1440, ten years after his lordship's third son Hugh, afterwards third Lord, was served and retoured in them as heir of his deceased brother, Alexander.

3. Hugh, who succeeded his eldest brother, Thomas, in all his and his father's estates.

4. Elizabeth, who married William Leslie, fourth Baron of Balquhain, from whom descended Count Leslie in Germany, as well as the Leslies of Balquhain.

5. Euphemia, who married Sir Walter Innes of Innes. At page 14, *Family of Innes*, it is said that "Sir Walter was married to Euphame Fraser, daughter of Hugh of Fraser, who was first Lord Lovat, which woman had been formerly wife to the Captain of Clan Chattan or Laird of Mackintosh," who would have been her cousin.

Hugh, the first Lord is said to have died at Lovat in 1440, in the 64th year of his age, and he was buried at Beauly. His eldest son, Thomas, is on record on the 20th of July in that year, as "Thomas Fraser, Lord of Lovat." Lord Hugh was succeeded by his eldest son,

VI. THOMAS, LORD FRASER.

This Chief, as already stated, is not mentioned by Anderson, or by any other of the family historians, but that he existed is undoubted; for in this capacity he signs as one of the witnesses to a deed by Alexander of the Isles, Earl of Ross, granting a charter on the resignation of "John de Roos," VI. of Kilravock, of the lands of Kilravock and

Geddes to "Hugh de Roos," John's second son. The deed is dated the 20th of July, 1440, and it is witnessed at Inverness, by "Thomas Fraser, Lord of Lovat," Lord Walter Ogilvy, knight, William Leslie, Sheriff of Inverness, Donald de Calder, and several other northern chiefs.* He is also mentioned by Edmund Chisholm Batten in his *Priory of Beauly*, pp. 97-98, who says that this "Thomas Fraser, Lord of Lovat, probably eldest son of the marriage of 1416, died before 1456, for the Chamberlain preceding William of Cawdor in 1456 charges himself £143 of rents of the lands of the Aird, Strathglass, Abertarff, and Stratherrick (Strathardock), then being in the hands of the Lord the King, by the death of the late Thomas Fraser of the Lovat, in the ward of the Earldom of Moray, from the same term, with the tenandries; and the bargain with the Earl of Moray for a marriage of Hugh Fraser of Lovat's son with Lord Moray's daughter, seems to have been carried out with a second Hugh Fraser, probably a younger son of Thomas, who succeeded, and who is mentioned on the 20th of May, 1455, as Huchone Fraser of the Lovate, as if married to Janet, daughter of Elizabeth, Countess of Moray." From this it is clear that Lord Thomas died before 1456, probably without ever having made up titles. For this reason, and because a change in the enumeration of the subsequent Lords different from what they have hitherto been numbered and referred to in other works would produce a certain amount of difficulty and confusion, it is not proposed to make any change, but still continue to call his successor *second* Lord Lovat as hitherto. He died apparently unmarried, for he was succeeded by his only surviving brother,

VII. HUGH, SECOND LORD FRASER.

He had charters of certain lands, during his father and brother's lifetime, in 1430, and as already shewn, he was served heir to his brother Alexander in a large portion of the family estates on the 2nd of May in that year—"Quod

* *Invernessiana*, pp. 111 and 116.

Alexander de Lovet frater Hugonis Fraser de Lovet lator presentium," etc., the words of the retour recited in the charter of confirmation granted to him in the 25th year of the reign of James I. Very little is known of his history, but the family chronicler says that he was courted and respected by his equals, loved by his inferiors, and adored by his numerous vassals. The Macraes, he says, in Lord Hugh's time, possessed the height of the Aird, particularly the two Clunes, and "as they had always been a brave people, so were his Guard de Corp" in all his expeditions.

In his day, there was a tribe of the Forbeses in Glenstrath-farrar, a peaceable and quiet people, "though surrounded with bad neighbours against whose ravages and insults Lord Hugh protected them; and indeed not on'y he but his successors were so far from imitating a custom too common among Highland Clans, who, when they got a footing in a country used all means to exterminate all the former inhabitants, and they (the Lovats) have been always the patrons and protectors of all that lived under them, so that amid all the vicissitudes and changes that have happened to that noble family, many of the posterity of these people remain in that country to this time. But this great man by his authority and prudent conduct not only protected his vassals from the lawless encroachments of their neighbours but kept them quiet and peaceable among themselves at a time when many of their neighbours were like beasts of prey devouring one another, while the Government was so shattered by the feuds and animosities of the great men that it was too weak to curb the licentiousness of these of less note." Of these feuds and animosities our author gives several instances, but as they have no necessary connection with the Frasers, and are already well-known to the well-informed reader through other sources it is needless to reproduce them here or make any further reference to them.

He, like his father, as a reward for his loyalty, was appointed High Sheriff for Inverness-shire in order to give

him greater power and authority to keep the peace among his neighbours and vassals. Of this there can be no doubt, for there is a charter in the public archives by John Hay of Lochloy in favour of his son and heir apparent to which the witnesses are "Hugo Fraser de Lovat, Vice-comes de Inverness" and Johannes Nairn, de Cromdale, Vice-comes de Elgin.

His father having made considerable additions to the family estates by marriage with Lord Fenton's sister, and by the acquisition of the lands of Abertarff and Stratherrick by his agreement to marry his eldest son and heir to one of the Earl of Moray's daughters, this Lord Hugh in 1430, during his father's and brother's lifetime, takes out a charter from James I. in which his Majesty designs himself King of Scotland and Earl of Ross. The charter proceeds on his father Lord Hugh's resignation of the lands of Golford and others in the county of Nairn, which are hereafter to be held of the King and his successors, Earls of Ross. On the 25th of September in the same year, he has a charter from the Crown of the lands of Kinnell in Forfarshire, also on his father's resignation, and another of the barony of the Aird, the barony of Abertarff, with its pertinent of Stratherrick, of the third part of Glenelg, and of other lands in the barony of Abertarff within the regality of Moray.

He married when very young Lady Janet, daughter of Thomas Dunbar, Earl of Moray, with issue—

1. Thomas, who died young. He was Prior of Beauly *ad commendum*.

2. Hugh, who became his father's heir and successor.

3. Alison or Giles, who according to some authorities, died young, but according to others married Farquhar Mackintosh XII. of Mackintosh, Captain of Clan Chattan, and secondly, her cousin, Walter Innes of Innes.

4. Isabel, who married David Cumming of Earnside, with issue.

Hugh, second Lord, died at Lovat in 1450, according to the MS. in the Advocates' Library, aged 33, when

he was succeeded by his second and eldest surviving son,

VIII. HUGH, THIRD LORD FRASER.

He was retoured to his father in 1450 and was educated at Court through the influence of his uncle, Alexander Earl of Moray. When Hugh succeeded, James II.—whose father was murdered in Perth in 1437—was only nineteen years of age. During the subsequent disturbances in the Highlands, Alexander, third Lord of the Isles, in 1429 besieged the Castle of Inverness and burnt the town to ashes. Lord Lovat having opposed his passage through his territories and compelled him to take a circuitous route, the Island Lord determined to punish the Fraser chief. With this object, Alexander, on setting out for Lochaber, left a strong party in the neighbourhood of Inverness, to make reprisals on Lovat and his tenantry. This force was strengthened from day to day by new arrivals from the west, until the leader became sufficiently emboldened to lay siege to Lovat's castle, but the Frasers were too many for him. His lordship assembled his Clan, and having sallied out he attacked the Macdonalds near Lovat, "while the country people having notice thereof, killed all that straggled from the main body, and then attacked the Macdonalds at Fanellan, so that they were soon obliged not only to raise the siege but to beat a retreat. Several skirmishes occurred along the march, but on reaching the moor of Caiplich, a few miles westward from Inverness, the Macdonalds called a halt, stood at bay, and gave battle to their followers, fighting with the determination and courage of men driven to the last verge of despair. Their valour was, however, unavailing. They were completely defeated and routed by Lovat's vassals, and the memory of this engagement, locally known as the "Battle of Mamsha," kept the Islemen for many a day unwilling to interfere with the peace and tranquility of the Fraser country in Inverness-shire. It was very generally agreed that it was at this period—about 1455—that Hugh was made a Peer of Parliament, mainly through the influence of his relative

the Earl of Moray, and that he was the first of the family who really attained to that dignity. Kinmylies, a part of the Bishop's lands, was purchased by Lord Lovat from Bishop William Tulloch in 1464.

He appears on record in 1471, when the "Lords Auditoris, on the 13th May that year, decern that Hew, Lord Fraser, sall content and pay to Alexander Flemyn the mailis of ze landis of Petquhyne, taken up and receivet be him of twa yeiris and a half by-gone." On the 3rd of March, 1472, an indenture is entered into between Hew, Lord Fraser of the Lovet, and the whole town or burgh of Nairn, whereby the latter oblige themselves, their heirs and successors, to the said Hew, Lord Fraser of the Lovet, in leal and true manrent and service, and he to them as a good lord, maintainer, protector, and defender in all their righteous causes and quarrels. In 1476, James III. granted a charter ratifying a previous one by "Hugo Dominus Fraser de Lovet ac Baro Baronie de Kynnell," to John Striveling of some parts of Kinnell—the lands of Brakie—of which Lord Lovat was the superior, and the confirmation of this charter, under the Great Seal, in which he is similarly designed, is dated the 28th of February, 1480. On the 13th of March, 1478, Hew Lord Fraser is ordained to pay fifty merks Scots to William Wallace of Craigie and Margaret Countess of Crawford, his spouse, as her terce for the third of the lands of Strathrane, during her life. There is a charter in Haddington's Collections dated 1480 in favour of Sir James Ogilvy of Airley of certain lands which the King had apprised "a consanguineo nostro Hugone Domino Fraser." He was present with James III., along with the Earls of Atholl, Menteith, Crawford, Rothes, Sutherland, and Caithness, and the Lords Forbes and Ogilvie, when the King was defeated, fell from his horse, and was slain by the Earl of Angus and his co-conspirators, near Stirling, on the 11th of June, 1488, in the 35th year of his age. On the 16th of December, 1494, "The Lord Auditors decree and deliver that Donald MacGillecallum (of Raasay) shall restore, content, and pay to

Hew Lord Fresale of Lovat, four hundred cows, price of the piece 20s; thirty-six horses, price of the piece 26s 8d; ninety-six sheep, price of the piece 2s; and for certain goods that were spuylzied and taken from the said Hew and his tenants out of the lands of the Aird and Easter Farnaway by the said Donald and his complices, as was sufficiently proved before the Lords; and ordains that letters be written to destrain him in his lands and goods therefore, and that he was summoned to this action oftimes, called, and did not compear." On the 20th of October, 1499, Andrew, Bishop of Moray, presents Sir John Matheson to the chaplainry of St. John the Baptist, within the Parish Church of Inverness, on the nomination of a noble Lord Hugh Fraser, Lord of Lovat. He sent some of his followers to attack the Macdonalds while retreating from the battle of Park, fought in 1488, in Strathpeffer, where they were so completely defeated and routed by Kenneth a' Bhlair, VII. of Kintail, who sent away his first wife, Margaret, daughter of John, fourth Lord of the Isles, and took in her place Lord Hugh's daughter Agnes. On the 1st of November, 1499, Hugh granted another charter, dated at Montrose, to his cousin, George Striveling, which is confirmed by charters under the Great Seal, dated the 22nd of October, 1526, in which his lordship is described as "*quondam Hugonus Dominus de Lovat.*"

The author of the Advocates' Library MS. says that "this noble Lord was the first of the family who was raised to the dignity of the Peerage, for upon the forfeiture of the Earls of Ross and Moray he came to hold of the Crown all those parts of the estates that he formerly held of these two great and potent families, and being without question by far the greatest man in all the northern parts, either considered with regard to the greatness and lustre of his own family or the number of his vassals and dependants as the head and chief of a numerous clan in the Highlands. He had also himself a great stock of merit with the sovereign, James III., for he had done considerable service to the Crown in suppressing the depredations and

insolencies done by the dependers of the Earl of Ross, before that Earl's forfeiture, whereby the peace of the country in these parts came to be fully secured, so that no trouble did arise to the Government from that quarter." Repeating the statement that this Lord Hugh was the first of the Frasers of Lovat who had been raised to the Peerage, the same writer proceeds to give the following interesting information. The motives, he says, which induced the King to raise Lord Hugh to this honour was the great service he rendered to the Crown in suppressing the insolencies and depredations of the Islanders and preserving the peace of the country. "For though before this period we find them in writs called Lord of the Lovat, yet this is no more than what we now call Laird. These were not Lords of Parliament or Barons or Banrents of our Sovereign Lord's Parliament, as they were anciently called. Before the time that King James I. returned from his captivity out of England, all that held of the Crown in *capite in libero Baronia*, be the extent less or more, were obliged to give personal attendance at Parliaments and general Councils. But King James I. endeavoured to make some alterations in the constitution of Parliament, and seems to have been inclined to model his Parliament here (in Scotland) according to that what he observed in England. For that end he got an Act passed in the year 1427 whereby he dispensed with the attendance of the smaller barons, and then it was that he erected the Lords of the Parliament as a distinct branch of the Peerage. That is, he made choice of certain Barons whom he adopted into the rank, quality, order, and degree of Lords or Barons of Parliament, which obliged them perpetually to give suit and personal attendance in Parliament." He then describes the manner in which these new Peers were created.

At the first Institution, he says, the Lords of Parliament were not made by Letters Patent, as was the custom of later times. But, from the Rolls of Parliament, their creation appears to be made in this way—"The person to be raised to the honour was introduced to the Parliament

between two of the same rank and degree to which he was advanced, clothed with a red and sometimes with a purple robe or mantle, and girt with a sword. Then the Sovereign named the title of honour which the investee was in time coming to be designed by as a Lord of Parliament, in open Parliament, and the Heralds proclaimed the titles by sound of trumpet without doors, and at the market cross of the burgh in which the Parliament was sitting. And when the proclamation was over the King girt the person made noble with a sword and thereby invested him in the honour, in this form and manner, as we have them set down in the records of Parliament, 'which day our Sovereign Lord the King made and constituted and caused the Heralds to proclaim B Lord X a Baron Banrent and Lord of Parliament, to be in all time coming designed Lord X.' This author continues—"The precise day and year that this noble Lord, Hugh Lord Fraser of Lovat was advanced to the honour of a Lord of Parliament is not distinctly known. It is most probable he was nobilitated by King James II., with whom he was in a high degree of favour, as well as with his son and successor James III. But we have no register of any Parliament in the reign of James II. nor any older than the 7th year of King James III., anno 1467. And though a great many were in the reign of James III. created and named Lords of Parliament, yet there is none of them marked but the Lords Hume, the 2nd of August, 1473; the Lord of the Isles, the 20th of July, 1476; and the Lords of Drummond, Sanquhar, Yester, and Ruthven all on one day—the 11th of January, 1487. Though the Lord Lovat's creation is not recorded in any of the registers, yet we are demonstrably certain that he was a Lord Baron and Peer and Lord Fraser of Lovat before any of the above Lords. For by an original indenture still extant betwixt him and the burgh of Nairn, the said burgh became obliged to an honourable Lord, Hugh Lord Fraser, his heirs, and successors, in leal and true manrent service, and the said Hugh Lord Fraser of the Lovat binds and obliges himself and his successors that he shall be to them a good

Lord-maintainer, protector, and defender in all their right-wise causes, quarrels, and actions. This indenture bears date the 3rd of March, 1472; that is, according to our computation at the time, the year 1473; for before the year 1600 we did not begin the year before the 25th of March, as the English still continued to do till the year 1752. Having a sufficient and authentic voucher that the Lord Fraser of Lovat is in the degree and rank of a Lord of Parliament as soon as the 3rd of March, 1473, and undoubtedly some time, though we know not how long, before, it is evident he should take the precedence at least before Lord Hume, before that family was raised to the honour of the Earl of Hume. It appears from the records of Parliament that Lord Hume was raised to that dignity on the 3rd of August, 1473, in the person of Hume of that Ilk. Now Lord Lovat being for certain a Lord of Parliament on the 3rd of March that same year, 1473, he must of consequence have the precedence of the other Lord, who was created five months after Hugh Lord Fraser of Lovat is a Lord of Parliament. I have been told that Lord Hume before he was an Earl, set up to have precedence of all others of his own degree; that is, he pretended to be the first Lord of all. But he was created Earl of Hume in 1605, a year before the establishing of the precedence of the Peerage by the Decree of Ranking in 1606. Being sure that the Lord Fraser of Lovat was a Lord of Parliament in 1473, he must needs have the precedence of Sanquhar and Yester, who were not created till the year 1487. Yet, in the Decree of Ranking, not only Sanquhar and Yester, but Semple, Sinclair, Harris, Elphinston, Maxwell, and Oliphant, are ranked before Lovat, who certainly ought in equity and justice to be before them. As this indenture with the town of Nairn is the foundation for establishing the antiquity of the Peerage of the family, so it is an excellent voucher to show that this noble Lord was a person of great power and consideration in the country, when the whole community of a burgh give him their bond of manrent, and of leal and true service. I have seen," he

concludes, "many bonds of manrent granted to great men from people of inferior rank and position, but I have never seen, save in this instance only, the whole community of a town becoming bound in manrent to any great man whatsoever. Ever after this the constant and uniform title and designation of this noble Lord was Lord Fraser of Lovat." Hugh is said to have been knighted and to have had the Order of the Thistle conferred upon him by James II.

His lordship much improved and beautified his seat of Lovat by planting ash, plain, and elm trees round about it. He introduced the best kind of fruit trees procurable in Scotland, and was the first to start the fine orchard there which afterwards became so famous and unique in the North. He received many favours from James III. which he returned by his loyalty and gratitude, for no sooner did he come to understand the distress the King was in "by a strong combination of his rebellious subjects, than immediately and with all possible expedition he raised his numerous clan, vassals, and dependers, and was on his march to meet the King at Stirling, according to concert. But the rebels were before hand with the loyal subjects, and to prevent the conjunction of the Lord Lovat and other loyal subjects from the North, who were coming to his assistance, they forced the King to fight them at great disadvantage at Bannockburn, where the King, having escaped out of the battle, was crushed by a fall from his horse, and carried into a mill at Bannockburn, where he was murdered in cold blood by some desperate ruffians." Thus far from the family MS. in the Advocates' Library. Anderson referring to this same battle says, that the Earls of Atholl, Menteith, Crawford, Rothes, Sutherland, and Caithness, the Lords Forbes, Ogilvy, and Lovat, and the Laird of Grant, marched to the King's assistance, but before these forces could join him, he met the confederate peers, near Stirling, on the 11th June 1488, and was defeated. Falling from his horse, he was slain, some say by the Lord Grey, and others by Sir Andrew Borthwick, a priest, in the 29th year of his reign and thirty-fifth of his age. This priest, according to

other authorities, bent over the dying King under pretence of discharging his holy office, and stabbed his unresisting victim to the heart.

On the death of James III. his lordship adhered to his son, the Duke of Rothesay, who, when he ascended his father's throne, was only sixteen years of age. The family MS. continues—"In this ticklish and difficult juncture, Lord Lovat behaved as became a dutiful and loyal subject, for as soon as he heard of the King's death, he submitted to his lawful sovereign, the young King James IV., to whom he knew his allegiance was as much owing as to the late King while he was alive, and, therefore, immediately dismissed his followers and returned home. But he was not present in the new Parliament that met soon thereafter; for he would not concur with them in condemning the late proceedings and in declaring as they did, that the King had died through his own default, and of the wicked Council that were about him, and to whom he adhered. Though Lord Lovat lived ten or eleven years after this, it does not appear that he was concerned in the administration of affairs, not so much on account of his advanced age as because the Ministry, as it was now modelled, did not care to have so great a man among them, and they were well enough pleased that he came not into their Councils. This made him prefer the innocence and pleasure of the country, where he was a sort of King, to the noise and bustle of the Court. George, second Earl of Huntly, knowing how much it would contribute to his interest and that of his family to be nearly connected with the family of Lovat, proposed a match between Thomas, Master of Lovat, and Margaret Gordon, the Earl's daughter, which was agreed to; the contract was signed and the tocher, 200 merks, was paid, and the marriage day was fixed, but the young lady died the week in which she was to have been married. The Earl of Huntly, however, resolved that he should not lose such an advantageous alliance. Therefore, after his daughter's death, he proposed that the Master of Lovat should marry his niece, Janet Gordon, daughter of Sir

Alexander Gordon of Achindown, usually called Master of Huntly. As this lady was by far the prettiest of the two, the proposal was readily gone into and the Earl became bound to all the articles agreed upon in the event of his daughter's marriage." The agreement thereupon entered into is in the following terms, translated into modern English—

"Be it known to all men by this present letter, us George Gordon, Earl of Huntly, Lord of Badenoch, For as much as we delivered two hundred merks Scots silver to one noble Lord Hugh, Lord Fraser of the Lovat, for marriage that should have been completed between Thomas Fraser, apparent heir to the said Hugh, Lord Fraser of Lovat, and Margaret Gordon, our daughter; and now for the great love we have to the said Lord Lovat and the great favour we have to our brother, Alexander Gordon of Auchindown, and the completing of marriage betwixt the said Thomas, Master of Lovat, and Janet Gordon, daughter to the said Alexander Gordon, our brother foresaid, we quitclaim and discharge the said Hugh, Lord Fraser, his heirs and executors and assignees, of the said two hundred merks, together with all right and title of right we, the said George Gordon, had, has, or may have to the land of Stratherrick, with their pertinents, by and within the Sheriffdom of Inverness, and especially we, the said George Earl of Huntly, discharge and renounce all right and title of right we had, or have, or may get from Pitfures or his heirs of the said lands of Stratherrick for now and ever, together with the two hundred merks, as said is, and to these our acquittance of the two hundred merks and renunciation of the lands of Stratherrick, with the pertinents of the same, we have affixed our proper seal at Newark-upon-Spey, together with the subscription of our hands the 11th day of January, one thousand four hundred (and) ninetieth and three years, before these witnesses," (Follow the names and his lordship's signature.)

His lordship's uncle, Alexander Dunbar Earl of Moray, who was then in high favour with James II., took him to Court when he was quite a young man, and had him educated there, where "by the advice of the King and the Earl he married Margaret Lyon, daughter of Lord Glamis," Master of the Horse to the King, and ancestor of the Earl of Strathmore. "She was a lady of a great deal of vivacity and sprightliness, and of a heroic spirit," and was Maid of Honour to the Queen. By her Lord Hugh had issue—

i. Thomas, his heir and successor.

2. Hugh, who was a great favourite with James IV. He was slain during his father's lifetime fighting with that brave but unfortunate King on the fatal field of Flodden, on the 9th of September, 1513, unmarried.

3. Alexander, progenitor of the families of Farraline, Leadclune, and others, known as "Sliochd Ian Mhic Alastair" from this Alexander and his son John, and of whom in their proper order.

4. John, born in 1480, and educated at Oxford. He subsequently studied in Paris and went to Italy, where he joined the Order of St. Francis, of which "he became a conspicuous ornament." He wrote a history of Henry VIII. of England, "which contains a minute particular of the proceedings in the divorce against his Queen." He was appointed rector of Dingwall, and Dean of the Chapel Royal of Restalrig, "clericum rotulor." He was one of the King's Council in 1493, and one of the ambassadors sent to England by James IV. to arrange for his marriage to an English Princess.

5. Margaret, who died young.

6. Agnes, who as his second wife married Sir Kenneth Mackenzie a' Blhair, VII. of Kintail, who had sent away his first wife Margaret, daughter of John, Lord of the Isles. The courtship which preceded this union was rather curious. It is described as follows:—It appears that Kenneth had no great affection for Lady Margaret, for a few days after he sent her away he went to Lord Lovat, accompanied by two hundred of his followers, and besieged his house. Lovat was naturally surprised at his conduct and demanded an explanation, when he was informed by Kenneth that he came to demand his daughter Agnes in marriage now that he had no wife, having, as he told him, disposed of Lady Margaret in the manner already stated. He insisted upon an immediate and favourable answer to his suit, on which condition he promised to be on strict terms of friendship with the family; but if his demand was refused he would swear mortal enmity against Lovat and his house; and, as evidence of his intention in this respect, he pointed out to

his lordship that he already had a party of his vassals outside gathering together the men, women, and goods that were nearest in the vicinity, all of whom he declared should "be made one fyne to evidence his resolution." Lovat, who had no particularly friendly feelings towards Macdonald of the Isles, was not at all indisposed to procure Mackenzie's friendship on the terms proposed, and considering the exigencies and danger of his retainers, and knowing full well the bold and determined character of the man he had to deal with, he consented to the proposed alliance, provided the young lady herself was favourable. She fortunately proved submissive. Lord Lovat delivered her up to her suitor, who immediately returned home with her, and ever after they lived together as husband and wife. The offspring of their union was, however, illegitimate. The Earl of Cromarty says that shortly before his death he made penance for his irregular marriage and procured a recommendation from Thomas Hay (his lady's uncle), Bishop of Ross to Pope Alexander the Sixth, from whom he procured a legitimation of all the children of the marriage, dated at St. Peter, in 1491. Anderson also says that "application was made to the Pope to sanction the second marriage, which he did, anno 1491." Sir James Dixon Mackenzie, however, says that he made a close search in the Vatican and the Roman Libraries but was unable to find trace of any such document of legitimation.*

7. Janet, who as his first wife married Allan Mackintosh, who lived at Baliherranach, Stratherrick, son of Malcolm Mackintosh, X. of Mackintosh, and progenitor of the Mackintoshes of Kyllachy, with issue. Her husband died in 1476.

Lord Hugh had also two illegitimate sons,

HUGH FRASER, called "Thomas Roy Mac a Mhaighistir," which designation indicates that he was begotten while his lordship was Master of Lovat. He is said to have left

* *History of the Mackenzies*, second edition (1894), pp. 87, 88, 102, 103, and 104.

"a numerous progeny." The other illegitimate son was

HUGH FRASER, progenitor of the Frasers of Foyers, and "eighteen others in Stratherrick," where his father gave him "a good patrimony." From a long residence in France Hugh was bi-named "Uisdean Frangach," and his posterity are designated "Sliochd Uisdean Fhrangaich" by the Highlanders to this day. The history and genealogy of the Foyers family will be given at length in its proper place.

His lordship died in 1500, aged 74, at the Castle of Lovat, "after witnessing the government of two Regents and four Kings." He was interred with great pomp in the Priory of Beauly among his ancestors, and was succeeded by his eldest son,

IX. THOMAS, FOURTH LORD FRASER,

Said to have been then forty years of age. During his father's life a charter was granted by Patrick Ogilvy of Kilkrevoch, confirming the sale of the lands of Phopachy to Thomas Fraser, son and apparent heir of Hew Lord Fraser, his heirs and assignees, dated the 21st of October, 1498, and on the 15th of June in the following year Henry Douglas de Bartland grants him, as apparent heir of the same Hugh Lord Lovat, the lands of Mortloch and others by a precept from Chancery, directed to John Cuthbert of Castlehill, Sheriff Depute of Inverness "and Bailiff for that effect," in virtue of this precept, on the 27th of the same month, in the usual form. On the 11th of October he has a charter from James IV. of the lands and barony of Kinnell in Forfarshire, "which had recognosced by reason that the deceased Hugh, Lord Fraser of Lovat, his father, had disponed more than one half thereof without the King's consent, who was the superior. On the 15th of June, 1499, he purchased the lands of Bunchrew, Phopachy, and Englishton from Henry Douglas of Batisland. On the 30th of April, 1501, he has a precept of sasine from James IV. for infesting him as nearest and lawful heir to his father in the castle and lands of Lovat with their pertinents,

namely, a third of the barony of Aird and Abertarff, Stratherrick, a third part of Glenelg, and several other estates. An instrument of sasine followed on this precept, dated the 12th of May immediately following. He was served heir to his father ten days afterwards, on the 22nd of the same month.

There is another charter, dated the 17th of November, 1501, by the same King, "delecto consanguineo Thomas Domino Fraser de Lovat," etc., to his beloved cousin, Thomas Lord Fraser of Lovat, and Dame Janet Gordon, his spouse, and the longest liver of them, in conjunct fee, and to their lawful heirs, whom failing, to the nearest and lawful heirs of the said Thomas of the lands of Dalcross.

He was present along with almost the whole nobility of Scotland in 1503 at the marriage of James IV. to Margaret, daughter of the English King. At this time the Highland chiefs, who acted quite independently of the central authority, held their own Courts and had their own officers to give effect to their decisions, and the Lords of Lovat were in the habit of perambulating their estate, holding meetings at various points, wherever necessary for the punishment of evil doers, over whom they exercised the power of pit and gallows. His lordship was appointed, along with the Earls of Huntly, Crawford, and the Knight-Marshall, Governors of the North of Scotland from the Tay to Shetland.

On the 20th of January, 1504, Thomas Lord Fraser of Lovat grants to Sir Nicolas Barron the chaplainry of St. John the Baptist, within the Parish Church of Inverness, with the consent of the burgesses of the town, and on his own resignation he has a charter dated the 6th of May, 1509, of the lands of Dalcross and Kirkton, in favour of himself and his second wife, Janet Gray, and to the longest liver of them, in conjunct fee, during all the days of their lives.

Andrew, Bishop of Moray, gives letters of presentation to Sir John Auchleck of the chaplainry of St. Catherine, within the Parish Church of Inverness, to which the

witnesses are, among others, Thomas Lord Fraser of Lovat and Alexander Fraser. He was witness to an instrument of resignation of the earldom of Sutherland, made by Alexander Sutherland, the Bastard, in presence of the Sheriff of Inverness, in favour of his brother John and of his sister, dated the 25th of July, 1509.

There is a charter of apprising in his favour of the lands of Balacaranock, and another dated the 15th of October, 1509, by Henry Douglas of Kilbirny (Culburnie), to "ane noble Lord, Thomas Fraser of Lovat, his heirs and assignees, of the lands of Kilbirny, Castle of Bewley, and others in the lordship of Beaufort," confirmed on the 12th of January following. On the 14th of June, 1511, he has a charter of the two Moys, Ardranach, Inglishton, and others lying in the lordship of Beaufort, from John Ogilvy, of Laverocklaw, in his own favour, his heirs and assignees, confirmed on the 31st of July.

When James IV. resolved to invade England in 1513 and by open proclamation summoned all those able to bear arms between 16 and 60 years of age to meet him at the Burrough Muir, near Edinburgh, Lord Lovat raised his clan and followers, and sent his brother at their head. They joined the Royal standard at the appointed rendezvous, and marched with the King into England, when they were nearly all slain on the fatal field of Flodden.

The few of the Scottish nobility who escaped from this disastrous battle soon after met at Stirling, and crowned the late King's infant son, only a year and five months old, as James V. On that occasion the Earl of Sutherland, Lord Lovat, and Lord Gordon, who were not at Flodden, proceeded south and attended the coronation. The nobility were unanimous, Lord Thomas Fraser among the rest, in choosing the Queen-mother as *Tutrix* to the child King, and as Regent of the Kingdom so long as she remained unmarried. She, however, in less than a year, married the Earl of Angus, when it was resolved to appoint another Regent. Lord Lovat supported the claims of the Duke of Albany.

On the 1st of June, 1514, he has a charter on his own resignation of the lands of Mavis and Mavisbank, a part of the barony of Kinnell, in his own favour and in that of his wife, Janet Gray, and to the heirs-male to be procreated between them, whom failing to the nearest lawful heirs-male of Thomas Lord Fraser.

He is said to have mainly resided at Kinmylies, near Inverness, and to have been in the habit of holding court and dispensing justice on the top of Tomnahurich, now a well-known and unique cemetery in the neighbourhood of that town, and the author of the Advocates' Library MS. informs us that Lord Lovat's acts of administration at one of these courts in 1514, regulating the price of corn, cattle, servants' fees, timber, clothes, and shoes, were in his day in the possession of Mr Finlay Fraser, Provost of Inverness.

On the 15th of May, 1518, James, Bishop of Moray, on the presentation of the noble and potent Thomas, Lord Fraser of Lovat, issued letters of induction in favour of Sir John Scott to the chaplainry of St. John the Baptist, within the Parish Church of Inverness.

In his lordship's time a fire broke out at his residence, when his nephew, Roderick Mackenzie, first of the family of Fairburn, and fourth son of Kenneth Mackenzie, VII. of Kintail, by Agnes Fraser, then a big, ungainly, bare-headed boy, on a visit to his uncle's house at Lovat, rushed through the flames and carried out the family charter chest and other valuables. For this great service Roderick considered himself amply rewarded by the gift from his lordship of a bonnet and a pair of shoes!

Lord Thomas enlarged the famous Lovat orchard, and further beautified the place by planting, building, and additional fortifications, and he dug a large draw well in the middle of the courtyard.

In terms of a contract of marriage entered into between Hugh Lord Lovat, father of Lord Thomas, and George Earl of Huntly, he was engaged, as previously stated, to marry Lady Margaret, the Earl's daughter, but that lady having died before the marriage was solemnised, Thomas,

in 1493, married Janet, daughter of Sir Alexander Gordon of Auchindown and Midmar, in Aberdeenshire, niece of the Earl, with issue—

1. Hugh, his heir and successor.
2. William of "Tigh-a-Charsa," now modernised into Teachors, progenitor of the families of Culbokie, Belladrum, Little Struy, and several others, of whom in their order.
3. James of Foyness, who has charters as "brother german" of Hugh Lord Lovat of the King's lands of Drumdervale (Drumderfit) in the lordship of Ardmanach, county of Ross, dated the 7th of June, 1539, and another to himself and his heirs male, of Kinkell-Clarsach, Culbokie, Pitlundie, Dochcairn, and Davochpollo, dated the 25th of October, 1542. He married and left an only daughter, Agnes, who married John Glassich Mackenzie, II. of Gairloch, with issue—from whom the present lairds of Gairloch and all the branches of that influential and prolific family. She married as her second husband, Alexander Chisholm, XIV. of Chisholm (not Thomas as stated in the *History of the Mackenzies*), with issue. But as the destination of her father's lands in the county of Ross was to heirs-male, she did not inherit them on his death; for his nephew, Hugh Fraser, II. of Guisachan, the son of his brother William, is found served heir in special to his uncle, James Fraser, of Foyness, in his Ross-shire lands, at Inverness, on the 1st of July, 1556, and they subsequently became the property of the Mackenzies. The Frasers of Foyness have all died out in the male line. Alexander Chisholm of Comar is a juryman in 1562 in the service of Hector Mackenzie, III. of Gairloch, to his father, John Glassich Mackenzie, II. of Gairloch, and in course of the procedure it is mentioned that Alexander appeared on behalf of his *wife*, Agnes Fraser. Agnes died before the 1st of February, 1575-76; for upon that date John Roy Mackenzie, IV. of Gairloch, is served heir to his mother, Agnes Fraser. Alexander Chisholm married as his second wife Janet, widow of *Æ*neas Macdonell, VIII. of Glengarry, and eldest daughter of Kenneth Mackenzie, X. of Kintail, by his

wife, Lady Elizabeth Stewart, daughter of John, second Earl of Atholl.

The first Lady Lovat died in 1502, having only been married for nine years.

4. Margaret, who married Hugh Mackay, "Aodh Ruadh Mac Aoidh," ancestor of the Lords Reay.

His lordship married secondly Lady Janet, daughter of Andrew, third Lord Gray, Lord Justice-General in the reign of James IV., and widow of Alexander Blair of Batthyock, with issue—

5. Robert, who married Janet Gelly, heiress of Brakie, county of Fife, with issue—from whom the Frasers of Brakie. He was killed by the monks at the Water of Beauly.

6. Andrew, so-called after his grandfather, Lord Gray, who "had the lands of Kirkhill as his patrimony," and was known amongst his Gaelic-speaking countrymen as "Anndra Ruadh a' Chnuic"—Red-haired Andrew of the Hill. He was killed at Kinlochlochy, but left numerous descendants.

7. John, who married a daughter of Grant of Grant.

8. Thomas, who married Ann, daughter of Alexander Macleod, VIII. of Harris and Dunvegan, with issue—a son John, whose descendants are known as "Sliochd Ian Mhic Thomais," or the descendants of John son of Thomas.

9. Janet, who married John Crichton of Strathaird and Ruthven. In a charter to her, for her life, from John Crichton of Ruthven, of Brightoun of Ruthven, and Rothvendenny, dated at Forfar on the 2nd of October, 1527, she is described as Janet Fraser, daughter of the deceased Thomas, Lord Fraser of Lovat. He was heir-male and representative of Sir George Crichton of Blackness, who was High-Admiral of Scotland in the reign of James II. and was raised by that king to the dignity of Earl of Caithness, a title which, however, did not descend to his son, Crichton of Strathaird.

10. Isabella, who as his second wife married Allan Macdonald, known as "Alan MacRuari," fourth of Clanranald, with issue—Ranald Gallda, who fell at Blar-nan-leine on the 15th of July, 1544, fought between the Frasers and the

Macdonalds of Clanranald. She is said to have married secondly, as his second wife, John Mor Grant, first of Glenmoriston. After the death of Ranald Gallda she left Moidart for her father's residence in the Aird. On her way she encamped with her retinue at Torgyle in the Braes of Glenmoriston, and sent a message to John Mor, then residing at Tomintoul, craving his protection. He at once responded to the lady's request, and in the most gallant fashion invited herself and her party to his residence, where, after a week's festivities they were united in wedlock. The regularity of the marriage was afterwards disputed, and Grant of Ballindalloch succeeded in getting possession of the estates in an action at law on this ground and obtained a Crown charter of them in 1549, but in 1566, through the influence of his uncle, Lord Lovat, and Campbell of Cawdor, Patrick Grant, II. of Glenmoriston, had the lands restored to him and received a Crown charter of them in his own favour.*

His lordship had also an illegitimate son, begotten between the dates of the death of his first wife and his second marriage,

HUTCHEON BAN FRASER of Reelick, ancestor of the Frasers of Reelick and Moniack, of whom under that head.

His second wife, Lady Janet Gray, after Lord Lovat's death, married David Lindsay of Edzell, afterwards Earl of Crawford, from 1541 until his death in 1558. There are several charters on record in favour of David Earl of Crawford and Dame Janet Gray, Lady Lovat, his spouse.

He died at Beaufort Castle on the 21st of October, 1524, in the 64th year of his age, and was interred in the Priory of Beauly, when he was succeeded by his eldest son,

X. HUGH, FIFTH LORD FRASER.

According to a retour dated at Inverness the 10th of January, 1524-25, he was served nearest and lawful heir to his father in the castle and lands of Lovat, with their pertinents, which included the whole barony of Abertarff

* *Grants of Glenmoriston.*

with its pertinents, namely, Stratherrick; the third part of Glenelg, Easter, Wester, and Mid Leys, Muckovie, Balvraid, Achanach, the two Dultullichs, Dalcross, with its pertinents, and Guisachan, Comernakill, Mauld, Meinzie, Wester Eskadale, the two Buntaits, Culburnie, "cum monte castre ejusdem nuncupat Beaufort," and many other lands set forth in the retour, comprising the whole of the family estates. On the 15th of March immediately succeeding a precept of sasine and public instrument followed upon this retour. On the 3rd of May, 1527, James V. confirmed to Hugh Lord Fraser of Lovat a charter granted to his lordship, his heirs and assignees, by Colin Earl of Argyll, of the lands and barony of Kirkton and Inchberry. On the 2nd of March, 1528, there is a charter in Hugh's favour on the resignation of George Haliburton of Gask, of three-fourths of the lands of Englishton and Kingsly (Kingillie) "cum lie yairs et piscationibus," at the same time erecting the lands named into a barony.

On the accession of Queen Mary, in 1531, he was appointed to the important office of Justiciar of the North. On the 26th of April, 1532, he obtained a charter of confirmation of the feu of the lands of Kirkton of Kilmorack, and the fishing of the water thereof called the Ess, which had formerly been given to a potent and noble Lord, Thomas Lord Fraser of Lovat. On the 7th of March, 1532-33, he has a charter of apprising of the lands of Glenelg, and on the 31st of the same month he obtained a decree of apprising for £800 Scots recovered by him, and in defect of moveable goods, of the barony of Glenelg against Alexander Macleod, VIII. of Dunvegan and Harris. In 1535 the remaining two-thirds of the lands of Glenelg were apprised in favour of Hugh, Lord Fraser of Lovat, for the sum of 2400 merks Scots as part payment of £4085 10s 8d contained in letters of the King, under reversion to Alexander Macleod, on payment of these sums and expenses within seven years. In 1536 James V. granted to the same Hugh, Lord Lovat, the dues of the lands of Glenelg, which were in the King's hands because of the

non-entry of the heir of the deceased William Macleod. On the 19th of July in the same year Lord Hugh has a charter of the lands of the two Moys, and another, on his own resignation, in favour of himself and his wife, Lady Janet Ross, and the longest liver of them, in conjunct fee, of the lands of Culburnie "cum monte vocat Beaufort." On the 27th of August in the same year Archibald, Earl of Argyll, grants him and the said Lady Janet Ross, his spouse, a charter of the lands of Kirkton of Pharnua. On the 20th of December following, he has one from John Forbes of Pitsligo of the lands and village of Aigas, Easter and Wester; and another on his own resignation on the 14th of September, 1537, by James V. of the barony of Kinnell. On the 13th of February, 1539-40, Lord Hugh was infest on the apprising of Glenelg, above mentioned, in virtue of a charter under the Great Seal. Apparently on the same day his lordship resigns these lands, and they are thereupon reconveyed to Macleod of Dunvegan by a charter from James V., dated the 13th of February, 1539-40, as above. This grant was, however, soon after, for some reason or other, revoked.*

In the same year, Hugh, Lord Fraser of Lovat resigned his castle and lands, and the baronies of Lovat, Stratherrick, Aird, Abertarff, Erchless, otherwise Strathglass, and Dalcross, the lands of Ardranach, Culburnie, the fourth of Belladrum, and several others into the hands of James V. at Linlithgow, whereupon the King, granted him a new charter dated at the same place on the 26th of March, 1539-40, uniting and erecting all the lands and baronies resigned by him into one free and entire barony to be called in all time coming the barony of Lovat, in favour of himself and the heirs-male of his body lawfully procreated or to be procreated; whom failing to his lawful and nearest heirs-male whomsoever, carrying and wearing the arms, crest, and sirname of Fraser, in fee, heritage, and free barony for ever.

The author of the Advocates' Library MS. points out

* *History of the Macleods*, pp. 17, 23, and 24.

that "though before this time parcels of the estate of the family had at different times been taken to heirs whatsoever, to serve the uses of the family in the settlement of younger sons or second marriages, or the like, yet, now that the lordship and barony of Lovat, which is one and the same thing, being limited by charter to heirs-male, does at the same time limit and settle the descent of the honours by the Sovereign in the same channel of heirs which the charter or patent points to." The same writer says that Lord Lovat "was in a good degree of favour with King James V.; for in the year 1540 he procures an Act of Parliament dissolving from the Crown the lands of Beaufort, and changing the holding to a feu, and thereupon a charter is expedited under the Great Seal to Hugh, Lord Fraser of Lovat and his heirs-male, which failing, to his heirs female without a division," dated the 28th of July, 1542. His lordship was present in the Parliament of 1540.*

On the 13th of May, 1544, the Bishop of Moray grants to Hugh Lord Fraser of Lovat, and failing him to Hugh Fraser, son and apparent heir of the said lord, and his heirs-male, a charter of the lands of Easter and Wester Kinmylies, "Balnafare" (Ballifeary), Easter and Wester Abriachan, "Kilquyman," the miln of Bught, and the fishings of the River Ness known as the Freschot.

He fortified the Castle of Lovat with a strong double oaken gate crossed with iron bars, and surrounded the platform in front of the house with a ditch and rampart of earth. He repaired the chapel, which had been nearly destroyed by fire in his father's time, established Cross Fair at Beauly, on the 3rd of May, and procured an Act of Parliament for a weekly fair every Wednesday. Fairs were then held at Glen Convinth, the fair of St. Mauritius in Dounie, of All Saints in Kilmorack, and Michaelmas at Beauly. "Lord Lovat's retinue, on the occasions when he rode to proclaim the fairs, were very numerous. On one occasion he is said to have had in his train three Lords and six Baronets, with all their followers, in full armour.

* Register and Rolls of Parliament for that year.

Such parade was not without its use. The ferocity of the clansmen required a curb, and order was rarely settled without bloodshed."

Isabella Fraser, daughter of Thomas, fourth lord and sister of Hugh fifth Lord Fraser of Lovat, married as his second wife, as already stated, Allan MacRuari Macdonald, IV. of Clanranald, by whom she had a son Ranald, known from his having been brought up at Lovat by his Fraser relatives, as Ranald Gallda. This Ranald, after the disinheritance of Dugald MacRanald, VI. of Clanranald and his sons, was undoubtedly the lawful heir-male of Clanranald, but John Moydartach usurped his place as chief of the clan and owner of the family estates, while Ranald was absent with his Lovat relatives. Describing the event, and referring to John Moydartach, Gregory says that "his mental endowments, with his great physical prowess, made him so popular that the circumstance of his illegitimacy was ignored, and on the death of his father he was unanimously elected by the clan to be their captain and chief—to the exclusion of cousins and his uncle Ranald Gallda, any of whom had legally a preferential claim. On the death of Allaster (second son of Allan MacRuari), which took place in 1530, his bastard son, John Moydartach, a man of uncommon talent and ability, was acknowledged by the whole clan as their chief; and he even succeeded in procuring charters to the estates. These he possessed without interruption, till, with other chiefs, he was apprehended by James V. in the course of that King's voyage through the Isles in 1540, and placed in prison. Lord Lovat and the Frasers then bestirred themselves for the interest of their kinsman, Ranald Gallda, and made such representations on the subject, that the charters formerly granted to John Moydartach were revoked, and the lands granted to Ranald Gallda, as the heir of his father, Allan MacRuari. The existence of prior legal heirs (the sons of Dougal) seems to have been carefully concealed; and, by the assistance of the Frasers, Ranald was actually placed in possession of the estate, which he held only so long as John Moydartach

remained in prison ; but immediately on the return of that chief to the Highlands he was joined by the whole of the Clanranald, including the sons of Dougal, and again acknowledged as their chief. Ranald, who had lost favour with the clan by exhibiting a parsimonious disposition, was expelled from Moidart, and forced to take refuge with Lord Lovat, who once more prepared to assert the rights of his kinsman. The Clanranald, however, did not wait to be attacked, but, assisted by Ranald Macdonald Glas of Keppoch and his tribe, and by the Clanchameron, under their veteran leader, Ewin Allanson of Lochiel, they carried the war into the enemy's country. They soon overran the lands of Stratherrick and Abertarff, belonging to Lord Lovat, the lands of Urquhart and Glenmoriston, belonging to the Grants, and possessed themselves of the Castle of Urquhart. They plundered indiscriminately the whole district, and aimed at a permanent occupation of the invaded territories. The Earl of Huntly was ultimately sent against them with a large force, among whom we find Lovat, the Laird of Grant, and Ranald Gallda at the head of their respective clans. On the approach of this strong force, the Highlanders of Clanranald retreated to their mountain fastnesses, leaving Huntly and his followers to penetrate through the country without any opposition. Ranald Gallda was again, without opposition, put in possession of Moydart, while the lands were at the same time restored to those who were driven from them by Clanranald and their allies. Huntly now returned with his followers, accompanied, out of compliment, by Ranald Gallda. The Clanranald kept a close watch upon their movements, followed them at a distance, overtook them at Kinlochlochy, where the Battle of Blar-na-leine, to be presently described, was fought on the 15th of July, 1544.

When Huntly arrived at the mouth of Glenspean in Lochaber his forces separated. The Earl himself, Grant, and the bulk of the army, proceeded on their way to Strathspey by the Braes of Lochaber and Badenoch, while Lord Lovat, in spite of the repeated remonstrances of some of

his friends on the rashness of his conduct, marched with his own vassals, numbering about four hundred men, through the Great Glen as the more direct route, and also because for a considerable distance he would be passing through his own lands of Abertarff and Stratherrick. He was joined by Ranald Gallda, who parted with Huntly at Glenspean. The fears of those who had remonstrated with Lord Lovat were soon realised. The Macdonalds, "who had drawn together again upon receiving intelligence of Huntly's intention to return home had kept a close watch upon the movements of the Royal army, no sooner perceived the separation of Lovat from the main body, than they determined to intercept and cut him off. Accordingly, Lovat, who marched by the south side of Loch Lochy, was hardly out of reach of assistance from Huntly, when he perceived a superior force of Highlanders marching up the north side, in seven companies, with displayed banners, and so far advanced as to leave no doubt of their being able to intercept him at the head of the lake. On this, Lovat, who perceived the danger of his position, detached a portion of his force under a favourite vassal named Bean Cleireach to occupy a pass in the hills at a little distance, by which, in the event of the day turning against him, he hoped to secure a retreat. With the rest of his followers, who now numbered about three hundred, a great portion of whom were gentlemen and well armed, he moved forward to meet the enemy. The Clanranald and their supporters were superior in number, amounting probably to five hundred; but of these many were of the inferior sort, and ill supplied with arms. Just after the commencement of the action, the Frasers were joined, to the great grief of their leader, by the Master of Lovat, a youth of much promise, lately returned from France, where he had been for his education. He had been expressly charged by his father not to join this expedition, and he accordingly remained at home for some time after its departure; but, roused by the taunts of his stepmother, who wished to get rid of him, the gallant youth chose

twelve trusty followers, and set out in search of his father and clan, whom he met at the head of Loch Lochy in time to join in the fray. The contest began with the discharge of arrows at a distance; but when their shafts were spent, both parties rushed to close combat, and, attacking each other furiously with their two-handed swords and axes, a dreadful slaughter ensued. Such was the heat of the weather, it being the month of July, that the combatants threw off their plaids, coats, and vests, and fought in their shirts; whence the battle received the name of 'Blar-na-leine,' or The Field of Shirts. At length the Frasers, after fighting with the greatest bravery, were obliged to retire; but, unfortunately, Bean Cleireach and his detachment, having missed their way, were unable to render any assistance to their clansmen, and the pass which they should have occupied being seized by the Clanranald, the Frasers thus hemmed in, were, after a desperate and unavailing struggle, almost entirely cut to pieces."* So far Gregory's version, somewhat abridged. That historian is more generous to the character of Bean Cleireach than he probably deserves. Mr Fraser-Mackintosh, however, is of opinion that Bean acted a treacherous part throughout, describes him as "a wretch," and says that he "had been rewarded for his treachery by the Bailieship of Stratherrick" by the young lord, who immediately and directly benefitted by the death of his father and eldest brother at Kinlochlochy.

The author of the manuscript in the Advocates' Library gives a long account of the fight and the events which led up to it, including the address supposed to have been delivered by Lord Lovat to his followers just before the battle, of so interesting a nature, though somewhat inaccurate in certain unimportant details, that we make the following extracts at the risk of some little repetition. The writer says—"There was indeed a rancour of some standing betwixt Lord Lovat and the Captain of Clanranald that looked likely some time or other to break into a flame that

* *Highlands and Isles*, pp. 158-162.

might occasion much bloodshed. The occasion and cause, as it is still reported and handed down in the family by uninterrupted tradition and likewise by those who have committed it to writing, was this—"Lord Lovat had a sister who was married to Clanranald, by whom he had only one son, called by the Highlanders, Ranald Oig, young Ranald, and because he was educated in Lovat they called him Ranald Gallda, *i.e.* Lowland Ranald; for while he was but an infant, he, according to a custom that then and still somewhat prevails in the Highlands, was taken by Lord Lovat, his uncle, and educated with the Frasers, his mother's relations. This design (to disinherit Ranald) could not but be considered by Lord Lovat and his friends as a very high indignity and affront on every gentleman of the family, and the late depredations they had committed in some parts of Lord Lovat's estate inflamed the resentment to a degree that was not easy to be quenched. The Regent, being resolved at anyrate to suppress those insolencies and depredations, gives a commission to the Earl of Argyll to pursue them from the south, and at the same time wrote to Lord Lovat that, in virtue of his commission as the King's Lieutenant in these parts, he should convocate the whole country and march at their head against these lawless ravagers, till he met Argyll. George, Earl of Huntly, was highly incensed at the honour King James V. conferred on Lovat in making him his Lieutenant in those parts, and was no less vexed that he exerted himself with such activity that he kept all within his jurisdiction so long in perfect tranquility, which Huntly looked on as an eclipsing of him and rendering him insignificant. And now, when the Regent and Council sent him their orders to raise the neighbouring clans and march at their head himself to join the Earl of Argyll, the Earl of Huntly looked upon himself not only as eclipsed but highly affronted, and therefore employed his emissaries among the Macdonalds, and especially the Clanranalds, to seek to cut off Lord Lovat." He then narrates the course of events as already described and adds—"When Lord Lovat

was on his way home at Letterfinlay, he was informed that the Macdonalds were gathering together to obstruct his passage, upon which his brother-in-law, the Laird of Grant, Mackintosh, and others advised him to alter his route and march another way to disappoint these miscreants who would lie in ambush for him, or if he intended to march straight forward, they would convoy him to his own country. It is probable this kind offer would have been accepted of, but James Fraser of Foyness (his lordship's brother), a headstrong, obstinate man, dissuaded his chief from it, protesting it would be reckoned cowardice in Lord Lovat and an indignity done to offer him a convoy; that they were able enough themselves for any that could pretend to obstruct their passage. Upon this, all these chieftains and their men took leave of him, and parted with him"—except his own kinsmen and vassals.

When Lord Lovat and the three hundred men who were along with him, arrived at Laggan-acha-droma, near the head of Loch Lochy, they observed the Macdonalds coming down on the north side of the lake with seven banners displayed at the head of as many battalions, consisting altogether of between five and six hundred men, in order to secure the pass at the end of the Loch. His lordship at once called a Council of War, and having, after consultation, resolved to fight, he addressed his brave band as follows:—

“Gentlemen, you are my guard-de-corps, whom I have chosen out of many to accompany me in this honourable expedition for the services of my Sovereign. You are most of you my flesh and blood, the offspring of those heroes who signalised themselves so often in the defence of their country. Remember the honour of your noble ancestors, of whom you are descended, some of whom will be for ever on record as illustrious examples of Scotland's pristine bravery. The several branches of our ancient family have upon all occasions distinguished themselves, and to this day never brought the least stain upon the name they bear. The time is short to speak of each of them in particular; methinks I see them all alive in you, and that they have transmitted their courage and bravery as well as their blood and name to you. You are indeed but a handful to encounter yonder formidable crew, but consider the difference in other respects. They

are rebels, you are loyal subjects ; they outlaws, you are free subjects. I go on before you. I will hazard my life with you and for you. I by far prefer a noble death to an inglorious retreat, or anything that sullies the glory of my house ; and are not you as much concerned in its glory as I am ? We have from others the character of men of fortitude and resolution ; we carry our lives on the points of our swords. Let us act as men. Fall on and refer the event to Almighty God ; for the battle is the Lord's, who can save with few as with many."

The manuscript account then proceeds—" He had scarcely ended when the enemy came up close to them at the end of Loch Lochy. Hereupon ensued a most fierce and bloody conflict, fought more like tigers than men. The Frasers threw aside not only their plaids, as has been the common practice with the Highlanders, but threw off their very short coats and vests, and engaged in their shirts, with their two-handed swords and Dane-axes. This conflict is still called by the country people Blar-an-lein, *i.e.*, the Battle of the Shirts. The fronts of both armies engaged so closely without either side yielding or giving way, that they were felled down on each side like trees in a wood till room was made by these breaches on each side, and at last all came to fight hand to fist. There were none there but met with his match to encounter him ; many were seen to fall, but none to fly ; they all fought for victory, which still remained uncertain. There is one remarkable passage which I cannot omit. I told you above that Lord Lovat had with difficulty prevailed on his son, the Master, to stay at home to take care of the country. He had been one day hunting for his diversion in the forest of Corricharbie, and having taken home great plenty of venison, his step-mother, Lady Lovat, told him with a sneer, that it was fine amusement for young men to be chasing birds and beasts, and then to sleep soundly in their beds, when old men were fighting in the fields. This sarcasm touched so sensibly this noble youth that instantly he takes a dozen resolute fellows with him, and sets out resolving to find his father and friends, and accordingly he joined them at Loch Lochy, a little after the conflict began, and fell in

where the battle was hottest. The first sight of him quite dispirited and confounded his father. All was now at stake, they fought in blood and gore, and when many of them wearied with their two-handed swords and the heat, they went into the loch in couples and struck each other with their dirks. The Master acted like a hero, and each of the men he brought with him was worth many. Lord Lovat fought so gallantly, hewing down all that came in his way, that his enemies called him a 'Chruaidh Choscar,' *i.e.*, the hardy slaughterer, and when they observed him to fall in the field, it inspired the few that remained of the Clanranald with fresh vigour, crying out with great joy 'thuit a chruaidh choscar, thuit,' the hardy cutter is fallen, is fallen, and as they cried they were knocked down, yea, even those who lay as dead in the field when an enemy came by would lay hold of a sword and endeavour to cut off a leg or an arm. This they continued from noon till the darkness surprised them, when very few from either side were left alive, and the victory to this day uncertain. The Mac Ranalds, as they were more numerous, so more of them fell in proportion. It is certain that only four of the Frasers came alive off the field, and not double that number of the Mac Ranalds and their adherents. But the loss on the side of the Frasers was incomparably more regretted; for Lord Lovat himself, and his eldest son, the Master of Lovat, and 300 gentlemen of his name were slain. So that there was not one of the name of Fraser of the quality of a gentleman that was come to the state of manhood left alive. I have seen an account of the unhappy conflict by one who was on the field in a few days after it happened and was affected by the elegant, lively, and pathetic manner in which he lamented Lord Lovat and his son's fall in the words of David for Saul and Jonathan (2 Sam., i. 17 to 26). History (so far as I heard) does not parallel this unhappy conflict, which was remarkable in many respects. About 1000 men were engaged, of which 12 did not come alive from the field of battle. The Master of Lovat was the last who came to the field of battle and was the first who was slain, which

put his father into such a fury, that his death was revenged by the destruction of many. There were 80 gentlemen of estates who were killed on the spot, who all left their wives pregnant, and every one of them brought forth a male child, and each of these children arrived at the age of man, so that the over-ruling providence of the wise Disposer of all events did very signally at this time interpose in preserving this family. The Macdonalds chose the flower of their numerous clan, and yet were defeated in respect of credit and conduct and the number killed. They acknowledge in their poems made on this occasion that they fought with gentlemen, whom they surprised unawares, having no design to fight. 'Cha be clann ime a bh'ann ach clann sgoltag cheann.' That is, they did not meet with cowards but cleavers of heads. Fraser of Foyers was the only gentleman who came alive out of the field of battle. He was miserably mangled and wounded. But being in life was carried by his foster-brother on his back all the way home, for which he got free the crofts that he then laboured, and his posterity enjoy it still (1749). When the news of this unhappy conflict came to Lord Lovat's country, all who stayed at home, men and women, went to the field of battle, from whence they carried the bodies of all their principal gentlemen. Andrew Roy of Kirkhill, who was uncle (?) brother of Lord Lovat, was so like him that in a mistake they carried his body instead of my lord's till they came to Cilichuiman, where Lord Lovat's nurse met them and found it was Andrew Roy, upon which they buried him there, as they did most of the gentlemen they brought out of the field of battle, and returned bringing Lord Lovat's body with them, who with his son and Ronald Gald were interred at Beauly. The inscription on his tomb was legible till the year 1746, *Hic jacet Hugo Dominus Fraser de Lovat qui fortissime pugnans contra Reginalinos occubuit July 17, 1544.* Here lies Hugh, Lord Fraser of Lovat, who fell fighting gallantly against the Clanranalds, 17 July, 1544." But the date of the battle was the 15th not the 17th of July as stated in the foregoing inscription.

Bishop Leslie, who was acquainted with the young Master of Lovat killed on this occasion, says that he had his education in the University of Paris under the best masters, and that he would have proved an honour to his country, as well as to his illustrious family, had he not been cut off in the very blossom of his youth. The poet Johnston compares the Frasers to the Fabii in a Latin composition of which the following is a translation:—

A generous fire the noble Fabii warms,
The Fabii famed for virtue as for arms.
Great your renown, who, for your country's sake,
Your lives a solemn sacrifice did make.
Would we had fallen in our country's cause,
In support of its liberties and laws
From foreign foes : then history would tell
How brave we lived and how deplored we fell.
We fell three hundred Frasers in a day
Not unto men but ravenous wolves a prey.
Our fatal fall would meet with less regret
Were not our race extinct by our hard fate ;
From weeping matrons a new race shall spring,
That to our name will a new lustre bring.

The family history of Clanranald has the following reference to Ranald Gallda's parsimoniousness, its discovery by his clansmen, and its fatal and far-reaching effects — “This interference of Lovat (already described at length) could ill be brooked by the Macdonalds, and the unlimited control which they observed the former to have over his young friend, convinced the clan that what they had heard of his effeminacy was but too true, for it was circulated in the country that he was a boy, unfit for command or rule. A circumstance trifling in itself, tended to strengthen this conviction. A day or two after Ranald's arrival at Castletirrim, preparations were made for a feast to be given to the clan on his succession. Many sheep and cattle were slaughtered, and Ranald, observing a great number of fires in the court of the castle, and the busy faces of the cooks employed in dressing immense quantities of victual, inquired the cause of such a scene, when he was

informed that the 'feast of welcome' was to be given on that day in honour of his succession; and, unused to the sight of such feasts, and having no idea of such preparations, he unfortunately observed that 'a few hens might do as well.' Such an observation was not lost upon the clan; they despised the man who could for a moment think of departing from the ancient practice, and they were confirmed in their belief of his weakness and want of spirit. They rose in arms and expelled both him and Lovat from the castle, and the feast which was prepared for them served to commemorate the election of John, who was formally declared chief of the clan." This is said to have occurred on Ranald's first appearance at Castletirrim, who at the desperate battle of Blar-nan-leine amply proved by his heroism that whether the charge of parsimoniousness was well founded or not, effeminacy had no seat in his soul; for it is admitted by friends and foes alike that no one exhibited greater bravery and determination on that sanguinary field than he.

There are several interesting facts and incidents given in an article contributed to the *Celtic Magazine*, No. LXIII, vol. VI., pp. 89-94, by the late Rev. Allan Sinclair, Kenmore, who was intimately acquainted with the district, from which we take the following:—John Moydartach, guessing the route Lovat was likely to take on his way home, marched down behind the range of mountains to the north of Loch Lochy, and encamped on the night previous to the battle in a glen among the hills immediately behind the farm of Kilsinnan, near a small loch, called Lochan-nam-bata, the Loch of the Staves. In the muddy margin of this little loch, the Moydart men left their staves on the morning of the battle, that by the number of unclaimed ones they might ascertain their losses in the impending struggle. Such is said to be the origin of the name. On the morning of the day of battle, they encamped out of sight at Lochan-nam-bata, till of a sudden they descended like birds of prey from their eyry, on the morning of the 15th. This is probable, as it was John Moydartach's best

policy to conceal his forces till Lovat was in a position in which he could not decline battle against superior numbers. John Moydartach's tactics proved successful. Just as Lovat with his followers arrived at the east end of Loch Lochy, he descended with his grim warriors from the hills right opposite ; a movement, judging from the distance, which could be performed in a very short time. Lovat was now fully alive to the error he had committed, in not accepting Huntly's proffered escort, but it was too late. He had no alternative but to accept the chances of battle. Accordingly he made the best disposition of his forces, by placing the gentlemen of his little army, who were well armed, in front, and the others in the rear. The day was unusually hot. To ease themselves as much as possible, they prepared for the conflict by stripping themselves of their upper raiment—all but their shirts and kilts. Hence the name Blarleine, or Blar-nan-leine, by which this battle is known among the Highlanders. The fight began with a discharge of arrows—the usual mode of Highland warfare in those times—and when their arrows were expended, the struggle was carried on hand to hand with the broadsword. From the allusion to gunpowder, in the following lines, adapted to a pibroch composed in commemoration of this action, it is inferred that fire-arms must have been used—at least to some extent :—

Fhriseilich a chail chaoil,
Fhriseilich a chail chaoil,
Fhriseilich a chail chaoil,
Thugaibh am bruthach oirbh.

Chloinn Domhnuil an fhraoich,
Chloinn Domhnuil an fhraoich,
Chloinn Domhnuil an fhraoich,
Cuiribh na 'n siubhal iad.

Luaidhe chruinn ghorm,
Luaidhe chruinn ghorm,
Luaidhe chruinn ghorm,
'S fudar 'cur siubhal ri.

The battle was fought from mid-day till late in the afternoon, and consisted latterly of isolated single combats.

Both sides fought with determined courage, neither side yielding until of the Frasers only four remained un-wounded, and of the Clanranald eight. The others were either dead or disabled.

Ranald Gallda was accounted the best swordsman of all that fought in this well-contested field. Many of the foe fell beneath his powerful weapon; and it was more by stratagem than by strength or skill that he was disabled towards the close of the struggle. Two noted Moydart warriors, father and son, fought under the banner of their chief. The son, known by the sobriquet of "An Gille maol dubh," while performing deeds of valour himself, had his eye upon his aged sire, marking how, as foe after foe fell beneath the weapon of Ranald Gallda, that warrior came nearer and nearer to his father. The two at length joined in deadly strife. The older combatant gave ground before his more vigorous rival, on observing which the "Gille maol dubh" exclaimed, "'S beag orm ceum air ais an t-seann duine," I like not the backward step of an old man. The father replied, "A' bheil thusa 'n sin a Ghille mhaol duibh, ma tha bi 'n so." Are you there, if so be here; whereupon the son stepped forward and took his father's place at the moment when the latter had fallen mortally wounded. For a time the contest was doubtful, but finding himself overmatched by the skill and prowess of his opponent, the "Gille maol dubh" exclaimed, "Cha bhi mi 'm brath foille 's tu, seall air do chulthaobh," I won't take advantage of you, look behind you. Apprehending treachery, Ranald instinctively turned round, and in the act of doing so the Moydart man felled him to the ground. This ended the fray.

Ranald Gallda dead as it was thought, John Moydartach had nothing to fear from him; nor the Frasers anything further to contend for; and the few that survived unscathed on either side sullenly withdrew from what may be called a drawn battle. Lovat, his eldest son the Master, and Ranald Gallda, with eighty gentlemen of the Frasers, besides hundreds of others of less note, had been slain.

There is right opposite the battlefield of Dalruari, where the present road curves westward towards the farm house of Kilfinnan, a hillock, still known by the name of Cnocan-oich-oich. Oich ! in Gaelic is expressive of pain. On this hillock, at the time the battle was fought, there was a hostelry, and a barn adjoining, into which many of the wounded were carried to have the benefit of such medical skill as was then available. Into this barn Ranald Gallda, dangerously wounded, was with others carried. During the night, the surviving Macdonalds indulged largely in potations of "mountain dew," were jubilant over the discomfiture of the Frasers, and boasted of their own individual feats in arms. Ranald Gallda, who overheard their conversations, unwisely remarked "that there was one Macdonald who, had he been alive, might well have boasted of his prowess; and that had he himself been what he was that morning, he would encounter them all single handed, rather than that that one brave man had fallen that day beneath his sword." This unguarded remark discovered who their wounded prisoner was. Irritated by the taunt, they bribed the leech who dressed the wound to thrust his needle into his brain when dressing his head. Thus perished Ranald Gallda by the hands of his own clan—a man whose capacity as well as prowess deserved a better fate at their hands. The loss sustained by the Frasers, great as it was, would have been still more disastrous to the clan but for a remarkable circumstance which is given upon the authority both of Buchanan and Sir Robert Gordon, that the wives of the slain Frasers—almost all of them—subsequently gave birth to sons. This is repeated by more than one of the clan historians. And while some margin may be allowed for more or less exaggeration—if such there be—there is no reason to doubt the substantial accuracy of the testimony of all these men.

Another version differs from the foregoing in some of its details and deserves a place here, though one hesitates to believe the part attributed to the heroic John Moydartach in the death scene of his brave relative Ranald Gallda.

After giving at length the incidents which led up to the battle, the same practically as those already detailed, the chronicler proceeds:—Among the Macdonalds there was an old man who had seven sons by his first wife, and one by a second, who was still a youth. This person was himself a powerful and skilful swordsman, and his seven sons were not inferior to their stern and stalwart father, either in strength or dexterity in the use of their weapons. The Macdonalds had proceeded on their march with great celerity, and some of them were outrun in the race; but when they mustered their numbers on the top of the hill of North Laggan ere they descended into the plain, the old man found that he was not only surrounded by his seven sons by his first but also attended by a youth, the only son of a second wife whom he passionately loved and whom he could not think of leaving behind him in the event of his fall in the battle bereaved of her only son. He therefore tried all his power of persuasion, but in vain, to induce the youth to return home. At length, determined to try the effects of taunts, since other means had failed, he exclaimed in accents of coarse severity, “I hate to see in battle a beardless youth, escaped from the spoon-feeding care of his mother!” The youth said nothing, but descended into the field of battle by the side of his veteran and powerful father.

The space on which this bloody clan battle was fought did not exceed half a mile square, being bounded on the one side by Lochlochy, on the other side by the bog already mentioned, and on the other two sides by the hills of Kinloch and Kilianan. This space is now partly covered by the loch, which has been embanked at Gairlochy, and in this way deepened and thrown eastward, and also by the Caledonian Canal; but the two hillocks to which the wounded and the dying are said to have crawled from the field are still visible, the one on the south and the other on the north side of the glen, but both are now almost covered by the head of the loch. The one was called *Cnocan nan creuchd*, and the other *Cnocan oich-oich*—

names very appropriate for the stations of wounded men.

Ranald Gallda, young, powerful, and active, and a perfect master of the science of swordmanship, was determined to requite upon the loftiest crests in the Macdonald band the insults and the contempt of which he had been the object, and the now deliberate usurpation of his title, office, and rights as chief of his clan by his uncle. Resolved to bring the stern question between them to the arbitrement of a personal conflict, he overlooked every meaner object of vengeance, and made incredible exertions to meet him in the battle; but cool, wary, and skilful, John of Moydart, surrounded by his *leine-chrios*, or shirt of mail, as the body guard of a Highland chief has ever been called, seemed to decline or to overlook his nephew's repeated attempts to come into contact with him, and traversed the field wherever his presence was needed—here restoring order in his own ranks, there beating the enemy to the ground. But not unscathed did this devoted band move through the ranks of the enemy, though everywhere attended by victory. The swords of Ranald Gallda and his gallant relative, Lovat, who with his *leine-chrios* never lost sight of his young, brave, and distinguished nephew—distinguished not less by his lofty and commanding stature, than his irresistible sword—were cutting them to the ground one by one, until of these gallant bands, composed of the choice warriors of both clans, none were left but Ranald Gallda and the old veteran formerly mentioned. The old man saw four of his gigantic and brave sons cut down before his eyes by Lovat and Ranald Gallda, while he himself was compelled to stand fixed to the spot like a chained lion, over the prostrate body of his chief, John of Moydart, who had fallen severely wounded, to guard it from further injury until removed from the field; the other three had fallen at an early period of the engagement. The wounded chief having been carried away, the old man, inflamed with feelings of the most deadly hate and revenge against Ranald, now assailed him with terrible fury, but finding himself baffled by the skilful swordmanship of

his opponent, and feeling his own inferiority, if not in strength at least in quickness and agility of action, he changed from the offensive to the defensive, and while parrying the dexterous strokes and thrusts of his opponent, was slowly giving ground, inch by inch, thus, in his politic retreat, drawing his opponent towards the Macdonald side of the field. At this moment, his youngest son, by his second marriage (who had been separated from him, and was running in great anxiety and distress over the now comparatively silent and deserted field looking for his father) made his appearance; and, either not comprehending the motive of the retreating steps of the veteran, or still remembering with some indignation the taunt of the morning, exclaimed, "I hate the sight which meets my eye, the backward step of an old man in battle!" and he instantly dashed in, sword and target in hand, between his father and Ranald, calling out "Cothrum na Feinne"—the equal combat of the Fingalians—being the usual pledge in a fair field and no favour among the clans. Though equal in courage to his opponent, yet the youth was far his inferior in strength and skill in the use of his weapon. This was evident to the old man at a glance, and his feelings of hatred and revenge against Ranald being now excited to madness by alarm for his young, gallant, and only surviving son, a demon thought entered his heart, and he called out, "I will not be a traitor to you, Ranald, they are at you behind!" Ranald, thrown off his guard, in the impulse of the moment looked behind him, and was instantly cut down by the old man, who raised a shout of triumph that communicated the fall of Ranald to friends and foes all over the field.

Lovat and Ranald Gallda now laid low, and but few, indeed, of their chivalrous and gallant clan left, the survivors determined, if possible, to make good their retreat, and draw off to the south-east corner of the field, where they still formed a small band of brothers and kinsmen. But the remnant of the Macdonalds, though in number scarcely exceeding their own, were excited and exasperated

into fury by the resistance they had met and the loss—the irremediable loss—all and each of them had sustained in kinsmen and brothers, dear and precious to their hearts, on the fatal field of Blar-nan-leine. They, accordingly, mustered all their strength on the opposite side of the field, and prepared for a new, a last, and an exterminating assault on the remnant of the Frasers, who, seeing that all further resistance was aimless, if not hopeless, retired with precipitation through the great glen of Albyn towards their now bereaved country and families; but such was the inveteracy and determination of the vengeful Macdonalds, that they followed in hot pursuit, slaying all whom they could overtake on the way for the distance of about ten miles.

In the meantime the wounded Ranald Gallda was carried, still alive, from the field, and laid on a bed in a hut by the side of Cnocan oich-oich, while a wild, hair-brained personage, who was alternately the prophet and the leech of the clan, after having examined the wound, proceeded to report the state of the case to John of Moydart. "Will he live?" enquired the chief, with a kindling eye and a husky voice, casting a look of intelligence at the leech. "He might live," replied the wretch, "but so small is his hold of life that the point of the *dealg* (pin) which fastens your plaid were sufficient to send him to eternity, for his brain is laid open by the wound." The chief drew the dealg in silence from his plaid, and handed it to the leech, who with a fiendish smile on his thin and haggard face, instantly entered the hut, where he found the old man and the youth, his son, watching over the apparently unconscious chief, and bathing his couch with their tears—a change of feeling not uncharacteristic of the wild, passionate, but kind warm-hearted Highland warrior of the olden time.

The leech approached the bed and tried, with a gentle hand, to remove the dirk, a weapon which the young chief loved, and which, somehow or other, he had contrived to draw from its sheath as he was being carried from the field; but he found that the attempt was discovered, and

that Ranald Gallda had still sufficient strength left to resist him. The old man observed the attempt of the leech, and the tightening grasp of the chief on his dagger, and said fiercely, "Why dost thou want to disarm his hand? Canst thou not examine and bind up the wound without removing the dirk?" "I like not," said the leech, "to exercise my skill on armed men; but if thou wilt remove the weapon, I will do all I can to relieve him, although I fear there is little chance of his recovery, the strongest arm of the Clanranald having addressed his trenchant blade to his skull."

The old man groaning in the inmost core of his heart, said, "Would that that arm had been in the grave ere it aimed the accursed blow at his head; but alas, alas, no man need now fear the dirk of my heroic chief. Do thou examine the wound, and if you canst but cure and set him again on his feet, thou mayst ever count on an unfailing friend in me, and every man who will adhere to me in his defence."

The leech, in seeming compliance, made the old man and his son draw back from the bed, and leaned over the chief in the apparent examination of the wound. Ranald gave a convulsive start; the leech shrunk back in alarm, but with the quickness of lightning, the wounded chief's dirk was buried in his heart; and, with this last act of just retribution, Ranald Gallda ceased to live.

The battle is said to have lasted twelve hours and to have been the most sanguinary ever fought in the Highlands, not less than from nine hundred to a thousand men having been slain. The only gentleman of the name who survived was William Fraser of Foyers, who owed his temporary safety to his foster-brother, whose son received as a reward a free grant of a croft long occupied by his descendants. Foyers must have died a few days after, for it is stated in the service of his son Hugh to Aberchalder, expedite at Inverness the 5th of October, 1563, that the father died "in the month of July, 1544." He could thus have only survived for fifteen days at most the day on which the battle was fought. This is further to some extent

confirmed from the fact that Hugh, the son, obtained a precept of Clare Constat on the 25th of April, 1545, for infesting him as heir to his father William in the lands of Foyers and Boleskine. He was carried on his back by Norman Gow, one of his tenants, towards his home at Foyers, as far as "Suidhe Chuimean," eight miles from the battlefield, but Gow having an arrow in his side, found himself exhausted and unable to proceed farther. Having rested at that place, he pulled out the arrow, and soon after died. His descendants were, however, very properly rewarded for his devotion by the free gift of the land then occupied by them, and continued to possess it for about two hundred years after.

Lord Hugh was very fond of hunting, and in order to indulge in that sport as much as possible, he resided chiefly at Abertarff, now Fort-Augustus. He often travelled over the various parts of his estates and was at great pains to get his clansmen thoroughly well trained in the use of the sword and the bow, the only arms in his time in use, so that he and his people became a terror to all evildoers in their neighbourhoods. He was in great favour with James V., who gave him a Commission of Lieutenancy for the preservation of the peace in the Highlands, especially in the County of Inverness, which then included Ross, Sutherland, and Caithness. He no sooner received this appointment than he sent a herald amongst them to discharge all insurrections under pains of rebellion, and taking possession of their lands and goods in the King's name. This tended greatly to bring about tranquility—so far as his jurisdiction extended, while during the same period other parts of the Highlands were much infested with murderers and robbers, some of whom he succeeded in capturing, and executing at Inverness.

His lordship, who was born in 1489, was fifty-five years of age when he died. He married, first, Anne, daughter of John Grant of Grant, with issue—

I. Hugh, sometimes called Simon, Master of Lovat, who was killed along with his father at "Blar-nan-leine," on the

15th of July, 1544, when only nineteen years of age, unmarried. He was a youth of singular promise, and in accordance with the practice of the times in the case of most young men of his rank, he was, as already seen, educated in France.

2. Janet, who died young.

The first Lady Lovat only lived for a few years. She is described as a lady of singular piety, well acquainted with the Word of God, which made her openly profess the Reformed religion when the Reformation was but dawning and the few who professed it were violently persecuted through the nation. She died at "Eilean Uirich," and was interred in the Priory of Beauly.

His lordship married secondly Janet, daughter of Walter Ross of Balnagown, county of Ross, with issue—

3. Alexander, his heir and successor in the title and estates.

4. Andrew, afterwards called William, progenitor of the Frasers of Struy, of whom in their order.

5. Hugh, who died, unmarried, in his eighteenth year.

6. Agnes, sometimes called Ann, both names being really the same. She, in 1541, married William Macleod, IX. of Macleod, when James V., on the resignation of William's father, granted him as heir apparent, on his marriage with Agnes Fraser, daughter of Hugh Fraser, fifth Lord of Lovat, the lands of Arrocardich, Scallasaigbeg, Scallasaigmore, Knockfin, Pitalman, East Mill, Wester Mill, Lussaw, Nachtane, Wester Corrary, and Inchkennel, in the lordship of Glenelg, and in the same year the lands of Easter and Wester Lynedale, as well as extensive lands in Bracadale, Isle of Skye, were resigned by Alexander Macleod in the same way and granted to his son William and Agnes Fraser of Lovat. They had an only child, Mary, who married Duncan Campbell of Castleswynie, younger of Auchinbreck, with issue. Agnes Fraser, Macleod's widow, married secondly on the 2nd of May, 1562, Alexander Bayne of Tulloch, which is proved by a charter of confirmation of the lands of Wester Loggie, dated the 31st of March, 1563.

also with issue—two sons and two daughters, Alexander Bayne of Loggie, John Bayne of Fearlin, Janet, who married John Chisholm, XVI. of Chisholm,* and Marjory, who died unmarried.

7. Margaret, who married Allan Macranald of the Leys, with issue—a son, Alister. At Pharnaway on the 26th of March, 1562, a contract of marriage is entered into between Margaret Fraser, daughter of Dame Janet Ross, Lady Lovat, with her mother's consent, on the one part, and Allan Macdonald of the Leys on the other part. It is conclusively established that Agnes and Margaret were both daughters of the second marriage, for by the second Lady Lovat's will, dated 1565, she especially bequeaths to her daughters Agnes and Margaret "her clothing and ornaments of her body," while of her tocher a balance remained of £93 6s 8d Scots due to Leys, and £66 13s 10d due to Tulloch.

Anderson, who does not mention Margaret, says that a daughter, Catherine, married Rose of Kilravock, but there is no trace of such a marriage in the Kilravock Family Papers, published in 1848, although the wives of all the members of the Kilravock family of the period are given in that book.

Lord Hugh was succeeded by his eldest son by his second wife, Janet Ross of Balnagowan,

XI. ALEXANDER, SIXTH LORD FRASER,

Who was served heir to his father on the 24th of October, 1544, and the 28th of April, 1553, at Inverness. He was educated by the well-known Robert Reid, who in his person united the important offices of Bishop of Orkney, Abbot of Kinloss, and Prior of Beauly, where he had built a

* On the 13th of May, 1606, there is a charter of Erchless from Simon Lord Lovat in favour of this John Chisholm and Janet Bayne, his spouse. There is also a charter of alienation by the same Simon Lord Lovat to this John Chisholm and his wife Janet Bayne, of the lands of Comar Kirkton, dated the 14th of May, 1614, and a contract of wadset between his lordship and the said John and Janet on the same date.—*History of the Chisholms*, p. 51.

mansion-house. He had under his charge for their education, at the same time, Lord Alexander of Lovat, his brother William, afterwards of Struy, and the sons of Mackenzie of Kintail, Munro of Fowlis, Ross of Balnagowan, and of the Sheriff of Moray, and he kept a pleasure barge for his and their use plying between Beauly and Kinloss. On the 2nd of November, 1545, Patrick, Bishop of Moray, on the gift of a noble lord, Alexander Fraser, Lord of Lovat, and burgess of Inverness, and of the Bailies and town of Inverness, presented Sir William Baldon to the perpetual Chaplainry of St. John the Baptist, within the parish of Inverness, the same having become vacant by the death of Sir John Scott, Chaplain thereof. On the 26th of June, 1550, the same Chaplainry is presented by the same Bishop, on the recommendation of Alexander Lord Lovat, to Sir James Cuthbert, and his Lordship is one of the witnesses to the presentation. In 1546 the Earl of Huntly apprehended Ewen Allanson of Lochiel and Ranald MacRanald Glas of Keppoch for being concerned in the slaughter of Lord Lovat and the Frasers at Blar-nan-leine. They were tried at Elgin, found guilty, and beheaded and their heads exposed on the gates of the town. Several of their followers were hanged, but John Moydartach escaped without any punishment, and he afterwards transmitted the estates of Clanranald to his descendants.

On the 9th of August, 1550, there were issued in Lord Alexander's favour letters of sasine of the lands of Easter and Wester Kinmylies, Balifearry, Easter and Wester Abriachan, Kilchuiman, the Mill of Bught, and the fishings of the River Ness called the Freschot, all of which had been previously granted to his brother, the late Master of Lovat, on the 13th of May, 1544.

There is a charter by Queen Mary, dated the 16th of March, 1554, on the resignation of his Lordship, on which sasine follows, dated the 8th, 9th, 16th, and 20th of November, 1555, in favour of Alexander Lord Lovat, and Janet Campbell, his spouse, and the longest liver of them,

in conjunct fee, and their heirs, upon the lands of the two Dalaythies. The Queen Dowager, Mary of Guise, on succeeding the Earl of Arran in the Regency in June, 1555, came North to hold an assize in Inverness, in connection mainly with depredations committed in the county of Sutherland by Y. Mackay, who was summoned before the Queen Regent in the Highland Capital but refused to attend. The Earl of Sutherland was thereupon ordered against him, when Mackay was defeated at Borr in Strathnaver, compelled to surrender, and sent as a prisoner to Edinburgh Castle. During Her Majesty's sojourn in Inverness, she received a visit from Lord Alexander, attended by a large and imposing retinue, but the number not being nearly so numerous, in consequence of the slaughter at Kinlochlochy, she is said to have condoled with him on the loss of his father and the gentlemen of his clan at that place in so tender a manner that all present were sensibly touched. Lady Lovat and the Lady Dowager also waited upon the Queen Regent and paid their respects at the same time, and on her departure his Lordship, accompanied by two hundred of his armed vassals, convoyed her to the banks of the Spey, a compliment which much pleased and flattered her, and for which she made the most handsome acknowledgments.

The Dowager Lady Lovat, Janet Ross of Balnagowan, appears to have been a very litigious woman. In the Decrees of Council and Session, 1557, there is a contracted litigation set forth between Dame Janet Ross, Lady Lovat, and Alexander, Lord Fraser of Lovat, relative to her terce, which fills more than ten pages, and gives a fine specification of the Lovat estates at the time. In course of the proceedings allusion is made to a decree arbitral in which William Earl Marshall, John Lord Erskine, and George Earl of Caithness, are named as the arbiters chosen by the Lady Dowager, and the Reverend Father in God, Robert, Bishop of Orkney, Donald, Abbot of Couper, and William Murray of Tullibardine are chosen by Alexander Lord Lovat for deciding upon the dispute between them. She

even opposed the service of her own grandson, Lord Hugh, as heir to his father Alexander on the 2nd of May, 1560.

In 1557, his Lordship, "who was much given to retirement and a love of letters," was advised by his father-in-law, Sir John Campbell of Cawdor, to make a visit to his estate of Glenelg for the benefit of his health, and he agreed to do so. They started together and, arriving there, spent several days in fishing and hunting, after which they proceeded to Iona. Having paid their devotions there, they returned to Glenelg, and travelled home by Abertarff and Stratherick. Instead of deriving any benefit from this journey it seems to have proved too much for Alexander's physical endurance. On his arrival at Dounie he fell into a rapid consumption. In the beginning of summer he was ordered by his medical advisers to remove from Castle Dounie to the Island of Aigas "for a milk diet and free air," where he died soon after in the same year, and was buried in the Priory of Beauly. He is said to have been "of so sweet and obliging a temper" as to be universally beloved.

He married Janet, daughter of Sir John Campbell of Cawdor, second son of the Earl of Argyll,* with issue—

1. Hugh, his heir and successor.
2. Thomas of Knockie and Strichen, whose descendants became heirs-male of the family on the death, in 1815, of the Hon. Colonel Archibald Campbell Fraser, without surviving male issue.
3. James, progenitor of the family of Ardachy, of whom in their proper place.
4. Anne, who married John Fraser of Dalcross, usually

* "Alexander, Lord Lovat, before 1555, married Janet, the daughter of Sir John Campbell of Cawdor. Ten years before the battle of Kin-Lochy (Blar-nan-Leine) she had contracted to marry the eldest grandson of Ewen Cameron of Lochiel. Two years after the battle Ewen Cameron's head was set over the gate of Elgin, after he was tried and beheaded for the slaughter of Lord Lovat and his son. Somehow his grandson, though he became head of the clan in 1552, missed the wife that had been provided for him, and she became the wife of the son and brother of the avenged Lovats, and of the heir of the house which had sustained so heavy a loss at Lochiel's hands."—*Beauly Priory*, p. 23.

designed “Ian Mor Mac a Mhaighistir,” a natural son of “Big John son of the Master” of Lovat.

Lord Alexander died, as already stated, in December, 1557. His widow married Donald, son of Donald Gorm Macdonald, a widower.

His Lordship was succeeded in the title and estates by his eldest son,

XII. HUGH, SEVENTH LORD FRASER,

Who, then only fourteen years old, was served heir to his father on the 2nd of May, 1560, before the Sheriff of Inverness, in the barony of Kinmylies, which comprehended Balifearry, Abriachan, Kilchuiman, and the Mill of Bught, with the fishings on the River Ness known as the Freschot. In the end of May, 1559, William Fraser of Struy, tutor-in-law to his Lordship, made a tour through the different parts of the estate to appoint chamberlains and stewarts and for the administration of justice among the tenants. Among those appointed was John Fraser of Farraline, as Bailie of Stratherrick. On the 22nd of May, 1561, in an action for aliment at the instance of Hugh Lord Fraser of Lovat, George Earl of Huntly, and Alexander Fraser of Philorth, Lord Hugh’s tutors, against William Fraser of Struy, Dame Janet Ross, his grandmother, and Dame Janet Campbell, his mother, the Lords of Session pronounced an interlocutor continuing the cause to the 22nd of June following.

When, in 1562, Queen Mary visited the Highlands, William Fraser of Struy raised 500 of the pick of the clan and met Her Majesty in Moray, from whence, headed by their young chief, then about 16 years old, they conducted her to Inverness, where she arrived on the 11th of September. By Huntly’s order Captain Alexander Gordon, then in charge of the Castle, closed the gates in the Queen’s face and refused to admit her, when she was compelled to take up her quarters in a house in Bridge Street, still standing in good preservation, and known to this day as “Queen Mary’s House.” The town was utterly defenceless, but to ensure her safety a small squadron

entered the river. The Frasers, Mackenzies, Rosses, and Munroes, in response to a proclamation issued by the Queen, soon came to the rescue. The Castle was besieged, and on the third day taken, when the governor, Alexander Gordon, was hanged at the gate for his treasonable conduct.

Her Majesty slept in Inverness on the nights of the 11th, 12th, 13th, and 14th of September, and on the 15th, on her return journey, at the Castle of Kilravock. She slept at Darnaway Castle on the night of the 16th; at Spynie Castle, the seat of the Bishop of Moray, on the 17th and 18th; at Cullen, Banff, and Gight, on the 19th, 20th, and 21st, arriving at Aberdeen on the 22nd. The behaviour and loyalty of the Clan Fraser was naturally much appreciated by the Queen, and gained great praise for their young chief.

The Dowager Lady Lovat came in to Inverness to visit Her Majesty, and recommend her youthful grandson, Lord Lovat, who also came with the Tutor at the head of the Frasers, to her protection.

Although informed that Huntly watched in order to interrupt her in the woods on the banks of the Spey, under the banner of Lord Lovat she advanced against him, crossed the river, and returned at the head of 3000 men to Aberdeen, accompanied by the Earls of Mar and Morton, the Grants and the Forbeses, who met her at the River Spey. The Tutor, his Lordship, and their clansmen returned home much pleased with the reception accorded them by the Queen. Huntly thereupon broke out into open rebellion, and was soon after slain at the battle of Corrichie. William Fraser of Struy, as Tutor of Lovat, was one of the jury who sat on the inquest on that nobleman's body, and pronounced over it the pains and penalties of treason against his Queen and country.

In 1563 Lord Lovat started for Edinburgh on a visit and to pay his respects to the King. On his way home he visited Blair Castle, on the invitation of John, Earl of Atholl, and is said to have fallen in love with the Earl's daughter, whom he afterwards married. From this time he

resided chiefly with his grandmother, Dame Janet Ross, at Pharnaway, until her death there in 1565. Of her it is said that she was greatly beloved and lamented. "She had many suitors after her lord's death, but she would never consent to marry any. Her greatest earthly concern was the family of Lovat, the interest of which she greatly advanced. She was a lady of noble spirit, active and frugal." On the 16th of May, 1566, his Lordship, though not of age, expedited a special service as heir of Hugh, Lord Fraser of Lovat, his grandfather, before the Sheriff of Inverness, of the feu lands of Beaufort. He was again at Court in 1567, by which time he must have changed his political opinions, for he is found among those whose name is signed to the Bond of Association which followed on Queen Mary's resignation. Though he was not then quite of age, he authorised his name to be attached to it, but he is on the Queen's side again in 1568, after the battle of Langside. In March, 1567, he had a sasine of Kinmylies from the Bishop of Moray.

Being then twenty-one years of age he went again to Edinburgh along with a select company of his friends. His uncle, the Laird of Cawdor, then in that city, introduced him at Court, where he soon became intimate with the Regent James, Earl of Moray, who very quickly discovered that the young Fraser chief was "a nobleman of great spirit and genius, active and resolute." Among the other acquaintances made on that occasion by his Lordship were Sir Walter Reid, Prior of Beauly, and his lady. The prior was a brother of Bishop Reid of Orkney, who was the great friend and patron of Lord Alexander. Sir Walter was subsequently of great service to Lord Lovat in connection with his acquisition of the Priory lands.

This year he is a member of the Privy Council and attends sittings on the 9th of May, on the 9th of July, and on the 1st August.

Some time after he returned from Edinburgh his Lordship, along with his uncle, Campbell of Cawdor, accompanied by a suitable retinue of the young gentlemen of the clan, paid

a visit to his mother in the Isle of Skye. Here he practised at the bow and arrow until he became such an expert that few equalled him, and in a little time after his return his own people, following his example, became so proficient in the same exercise that even a shepherd could not be met with walking about without his bow and arrow. He insisted that every parish should have their Bow Marks, and certain days were set apart for the practice of archery, while he periodically went round himself to see his vassals being trained. He was a great wrestler, swimmer, and jumper, and trained all his young men in these manly exercises.

Struy's tutory expired in 1567, when Lord Fraser and his curators granted him an honourable discharge of all his accounts at Lovat. His lordship was henceforth a constant follower and supporter of the Regent Murray, who, during his visit to Inverness in 1570, had every honour paid to him by his Lordship and his vassals.

Lord Hugh was again present at sittings of the Privy Council on the 1st of December, 1567, and on the 9th of January following.

On the 20th of April, 1569, at a Convention at which were present the Lord Regent, the Lords of the Privy Council, and others of the nobility and faithful barons of the realm, an open proclamation was issued commanding and charging "all and sundry our sovereign lord's lieges and subjects betwixt sixteen and sixty years and the fencible persons in the Sheriffdoms of Inverness, Elgin, Cromarty, and Nairn, to convene and meet George Earl of Caithness, and Hugh Lord Fraser, lieutenants to our Sovereign Lord, conjunctly and severally at Inverness, on the 1st of June" in their most warlike manner, with thirty days' victuals and provisions, and from thence to go forward with them or either of them, and meet the Lord Regent at such time and place as shall be appointed, to resist the invasion of his Majesty's rebellious and disobedient subjects.

On the 3rd of May, 1569, Lord Hugh was specially served in the lands of Kirkton and Inchberry, in the parish of Kirkhill. In May 1570, the Regent proceeded north to

Aberdeen, Elgin, and Inverness, with the view of securing the peace in those parts and the surrounding districts, accompanied by two companies of soldiers and a great many of his personal and political friends. Lord Lovat met him at the head of two hundred men on the banks of the Spey and conducted him through Moray, all the way to Inverness, kept along with him during the whole time he was in the Highlands, and convoyed him on his return march south as far as the River Spey.

On the 3rd of June in the same year Lachlan Mackintosh of Dunachton, in a petition asking pardon for past offences, says—"I shall cause such persons of the Clan Chattan as offended my Lord Lovat at the time of making of our Sovereign Lord's proclamation make amends and satisfaction to his Lordship therefor at my Lord Regent's sight and commandment." On the 28th of July following Lord Lovat attended a convention at Perth to arrange matters for the quietness and common weal of the country, and on the last day of the same month he was present and voted for the divorce of Queen Mary from the Earl of Bothwell. On the 15th of January, 1571-72, he became surety for the appearance of Mr Donald Fraser, Archdeacon of Ross, before the Council.

At the Reformation Lord Lovat, like many more of the chiefs of those days, managed to obtain a share of the revenues of the Catholic Church. His most important acquisition in this respect was the Priory of Beauly and the lands belonging to it. He also secured a tack for nineteen years of the teind sheaves and another of the parish and lands of Convinth. These leases were given him by Sir Walter Reid, Abbot of Kinloss and Prior of Beauly in 1571. Apprehensive that some other powerful chief, with whom the Prior was on friendly terms, might force that churchman by violent methods to give up possession of his benefice, and fully realising how matters would probably end, he placed himself and the ecclesiastical buildings under Lord Lovat's protection, and for doing this the more effectually he made his Lordship heritable

Bailie of the Priory by charter dated the 6th and 12th of November, 1571, confirmed under the Great Seal on the 14th of February following. But by this the wily ecclesiastic, probably encouraged by his Lordship, did not consider his interests sufficiently secure against other powerful men who might attempt to secure an absolute gift of the benefice from the Crown, and to prevent anything of this kind he made over to Lord Hugh all the lands belonging to the Priory, which then included the town and lands of Beauly, Ardnagrask, Rhindouin, Inchrorie, Craigscorry, Platshaig, Groam, Farley, with its forest and woods, Teachnuick, with its pendicles of Ruilick and Greyfield, the lands of Urchany, with the woods, the third part of Meikle Culmill, third part of Easter Glenconvinth, fourth part of Fanblair, Annat, Teafrish, the Mains of Beauly with the yards and orchards belonging to the Priory, with the two mills of Teachnuick and Beauly, and the whole fishing on the river from Cairncot to the sea.

On the same days, the 6th and 12th of November, 1571, and at the same places, there is another charter by the same—

“Walter, Abbot of Kinloss and Prior of the Monastery of Beauly in favour of Hugh Lord Fraser of Lovat for certain great sums of money, and for other reasonable causes, of the office of constable and hereditary keeper of the palace and principal buildings of the mesusage in the Priory of Beauly, erected by the late Bishop of Orkney and prior of the said monastery, on the east side of the church of Beauly; also of the office of hereditary bailie within the bounds of the lands of the said priory, with the power of ministering justice, of apprehending and punishing malefactors according to law, of holding courts, etc., within the bounds of foresaid; to be held of the grantor and his successors in feu and heritage for ever, rendering for the said office of constable and keeper foresaid, two silver pennies in name of blench farm at the feast of Pentecost, if asked; and for the office of bailliary twopence of the usual money of Scotland in name of blench farm at the said feast, if asked.”

Some time before the date of this charter Lord Hugh appears to have lent the Abbot 4500 merks on the security of the Beauly barony. In the same month his Lordship advanced another sum of equal amount, and he was taken

bound to complete the transaction carried out by the charter by the payment of another 4500 merks at Whitsunday following its date; failing which it was only to be held as security for the two sums previously advanced by him to Abbot Walter. Both charters were confirmed under the Great Seal on the 14th of February following—1571-72; and next month, on the 30th of April, dated at Dundee, there is a

“Discharge by Walter Abbot of Kinloss and Prior of Beauly to Hugh, Lord Fraser of Lovat, for 4500 merks contained in a reversion made by the said Lord to the said Abbot for redemption of the lands, mains, and fishings of Beauly and their pertinents, in case of non-payment of the said sum before the feast of Whitsunday next, the said 4500 merks being complete payment of 13,500 merks promised by the said lord to the said abbot for the feu of the said lands, mains, and fishings of Beauly.”

Mr Edmund Chisholm Batten, to whom I am mainly indebted for these details of the sale by the Prior to Lord Lovat, says that his Lordship seems to have got some of the money paid by him to the former in November 1571 on a wadset to the Countess of Crawford, Janet Campbell, his maternal aunt, and some of the money paid in May, 1572, from David Wans, a Leith merchant, who took fifty-six barrels of salmon full red and sweet at Lammas 1573, from Lord Hugh, apparently as payment of interest for the amount borrowed. In the same year as that in which he made this purchase he parted with Rhindouin to Bayne of Tulloch, and with the lands of Ardnagrask soon after, probably to obtain sufficient funds to pay the Prior.

Prior Reid having received his money, appointed a Mr John Fraser as his successor in that office, and on the 8th of July, 1573, within a few months of receiving his presentation, the new Prior executed a new charter of the barony of Beauly in favour of Lord Hugh, and in June, 1575, a charter of the Dominical lands and of the salmon fishings was also granted him, and sasine duly followed.

His Lordship was naturally anxious to get his charter from the Prior confirmed by the Crown as soon as possible, and he prepared to set out for Edinburgh in May following

for that purpose, accompanied by his wife. But according to the Wardlaw MS. he had to leave sooner than he intended—

“In the very interim of preparing and making ready for the journey, a sudden disaster and indisposedness seized upon my lady, so that she could not travel. He was loath to leave her, but she told him she might recover, but occasions lost were irrecoverable. He wondered what might be under this reply and ambiguous sentiment, and asked seriously what she meant. She told him that Colin Mackenzie of Kintail was still his competitor, and he might be too cunning for him, as she feared that he and his party were contriving a plot to apply to and prevail with the Regent, their relation, anent the right of Beauly; the Court was changeable, courtiers flexible, donations and pactions alterable. He yields to her advice, and presently takes horse, and, at Inverness, is informed that Colin of Kintail had taken the start of him, and was gone on the journey south. Lovat, being well acquaint with the road, cut short, and arrived by a day's journey before him at Edinburgh, some saying they were a night in one and the same lodging, or perhaps in one town on the way, unknown to one another. But, be sure, Lord Lovat had his intelligence of the other's motions, and made but short stay in any part till he came to his journey's end; and, in short, he secured his object and got his right of Beauly through the seals before Mackenzie came to Edinburgh. The day after, they met in the open street, and the whole matter came above board, and Kintail found himself outwitted.”*

His Lordship was no doubt assisted in these transactions by the Earl of Huntly, son of the Earl slain at Corrichie, with whom, in the preceding year, Lord Lovat entered into a solemn contract in terms of which the Earl “binds and obliges himself to assist, fortify, and maintain the said Hew, Lord Lovat, in all his honest, lawful actions and causes, as he happens to have ado and requires the said Earl thereto, and also shall at his uttermost labour and procure the Abbot of Kinloss to give and set in feu farm to the said Hew and his heirs all and whole the lands and Mains of Beauly, with the salmon fishing thereof.” The author of the Wardlaw MS. supplies another important factor in this negotiation. He says that it was by the influence of the Abbot's wife that he was induced

to grant the Priory, its lands and fishings to Lord Hugh, with whom she was connected by marriage through his Lordship's grandmother, Janet Ross of Balnagowan. "My Lord Lovat," says the minister of Wardlaw, "takes occasion by familiarity with Sir Walter's lady and broaches his resolution to her of feuing the barony of Beauly; she assured him that his Lordship would be preferred to any whomsoever in the bargain, and that she would secure her husband of all importunities that might assault him on that head; she actually effected and guided him so that the next time Lovat paid a visit to Sir Walter they came to such an agreement that a minute of sale was drawn up betwixt them and subscribed; and John, Earl of Athole, and Mr John Campbell of Calder were both witnesses to the paper, so that all was out of doubt and hazard for the future." This charter is also dated on the 6th and 12th of November, 1571, at Beauly and Petlathie respectively, and it is subsequently confirmed by Act of Parliament in 1584.*

The disturbed state of society in the Highlands in 1573 may be gathered from the fact that the Earl of Sutherland petitioned in that year to have himself served heir in Aberdeen and not at Inverness, because he could not get a jury to sit at the latter place, in consequence of the barons, such as Colin Mackenzie of Kintail, Hugh Lord Lovat, Lachlan Mackintosh of Dunachton, and Robert Munro of Fowlis being at deadly feud among themselves.

The income of the Monastery of Beauly at the Reformation was £163 13s 4d in money; oats, 14 chalders, 2 bolls, 3 firlots, 3½ pecks; marts, or cows, 10; sheep, 20; fowls, 21 dozen; salmon, 2 lasts and 6 barrels.

In 1574 Hugh, Lord Fraser of Lovat, was appointed Sheriff of Inverness and Constable of the Castle, whereupon he marched at the head of two hundred men to take possession of it, and place a garrison in it under Alexander Fraser, who he appointed Captain of it. His Lordship, at Edinburgh, on the 10th of March in the same year, entered into a contract with Alexander Forbes of Pitsligo that the

* For its full text see *Priory of Beauly*, pp. 266-268.

latter "shall infest the said noble lord, his heirs lawfully gotten or to be gotten, whom failing, his nearest lawful heirs whomsoever bearing the sirname and arms of Fraser, by charter and sasine, in competent and due form, in the lands of Easter and Wester Aigas, with the Isle, mill, and forest thereof, called the forest of Browling." It is registered on the following day.

On the 11th of March, 1574, there is another contract, dated at Edinburgh, and registered next day, between Lord Lovat and John Wardlaw, a burgess of Edinburgh, and David Vans, residing in Leith, by which his Lordship undertakes to infest these men in the above-named lands of Aigas in security of their cautionary engagement for him to the said Alexander Forbes of Pitsligo for the sum of 2400 merks. On the same date, Hew Lord Fraser of Lovat and theforesaid David Vans enter into a third contract on the narrative "that forasmuch as the said Lord by his writings, subscribed with his hand, at Beauly, 17th May, 1573, is obliged to have delivered to the said David or his factors, in his name, four lasts, eight barrels of salmon full red and sweet at the feast of Lammasforesaid; and also has sold to the said David, in payment of salt received from him six barrels salmon; therefore, the said Lord obliges him to pay to the said David, the said salmon, extending to five lasts, two barrels, full red and sweet sufficient marked 'guid and merchand wair.'"

His Lordship lived on good terms with all the neighbouring clans, and the country for a time enjoyed the blessings of profound tranquility and peace. "He was at great pains to train up his men in the manly exercises of swimming, arching, wrestling, jumping, and throwing the bar; and it is very remarkable that the year he was made Governor of Inverness Castle, at a general rendezvous of his men at Tomnahurich, near Inverness, in July, 1574, he had 80 young gentlemen with him, much about his own age, whose fathers had been killed in the field of Lochy, precisely 30 years before that, and who had all been in their mothers' bellies at that time, and by a wonderful

Providence lived all to be men. It was at that time a common custom to have general meetings of all the young gentlemen in the shire, at Inverness, for tilting, riding, fencing, dancing, putting the stone, and the above mentioned exercises, in each of which this young nobleman excelled. He was incredibly nimble and acknowledged to be the best rider in the North.* He attends a meeting of the Privy Council as one of its members, held at Holyrood House on the 8th of July, 1574, and again on the 10th of February, 1575-76.

At Holyrood House on the 24th of September, 1574, a gift of the escheat of Sir Alexander Dunbar of Cumnocks, John Chisholm of Crathos, and others, is made to Hugh Lord Fraser of Lovat, Lachlan Mackintosh of Dunachton, and their heirs and assignees.

Lord Hugh had been stopping Donald MacAngus of Glengarry from carrying down wood and timber in boats on Loch Ness where it passed through his Lordship's territories. Glengarry complained to the Privy Council, and at a meeting of that body held at Dalkeith on the 10th of March, 1575-76, at which Donald MacAngus appeared personally, Lord Lovat in absence, his kin, friends, servants, and dependants, and all who dwell on the banks or in the neighbourhood of Loch Ness are charged to suffer and permit the said Donald MacAngus of Glengarry and his followers "to bring and carry wood and timber down the said water of Loch Ness, to the said burgh of Inverness at all times, as they shall think expedient" under pains of rebellion, denunciation, and escheat of all their estates, goods and gear.

On the 10th of April, 1575-76, Patrick, Lord Lindsay, becomes security that Alexander Ross of Balnagowan shall return by the 1st of June following a bond of Hugh Lord Lovat, John Grant of Freuchie, Colin Mackenzie of Kintail, and John Campbell of Caddell, in which they obliged themselves to present the said Alexander Ross before the Privy Council when so required under a penalty of £1000.

* MS. in the Advocates' Library.

His lordship's mother, like his grandmother, appears to have been a most litigious person. She was at law with William Fraser of Struy, as Tutor, and others, for keeping her out of her terce of Aigas; and with all the tenants of Dalcross.

Mr Fraser-Mackintosh, in No. VII. of his series of valuable articles, "Old Yet New," contributed to the *Scottish Highlander* in 1894-95, says "that when Alexander died his brother William, first of Struy, became Tutor to his nephew Hugh Lord Lovat, and appears to have done his best to make things agreeable for the two Dowagers. Dame Janet Ross lived at Kirkton of Pharnaway with her children, her son Alexander having built her there a comfortable house, and the Tutor allowed Alexander's widow to keep her court at Lovat. This did not last many years, for Janet Campbell soon married for the second time, Donald Gorm's son of Sleat, a widower. The following singular narrative is taken from the MS. history and shows beyond all doubt the masculine character of Janet Ross." He then quotes from the Fraser MS., in the Advocates' Library, as follows:—

"In the end of May, 1559, the Tutor of Lovat made a tour through the different parts of the estate to administer justice. He fixed John Fraser of Farraline, Bailie of Stratherrick. He made an appointment with the two Ladies Dowager to meet them at Kilichuiman, now Fort-Augustus, where, having prepared everything for their reception, they went up by boat on Loch-Ness. The Lady Dowager Janet Ross expressed a great desire to see the field at Lochy, where her husband was slain. Her son, the Tutor, immediately convokes 100 men of a convoy, and attended his mother to the field. After their return, the Tutor left the ladies in the Fort at Kilichuiman, and went himself to Glenelg, where he settled affairs, and returned to the ladies, who all arrived safe in the Aird in the month of September. The ladies sailed down Loch-Ness, and the Tutor went by Stratherrick, the Leys, and Dalcross to Inverness. There is a memorable event which happened these ladies as they were sailing home by Loch-Ness, which I would not mention, but that the country people firmly believe it still, and I have seen them send six miles for the water of the lake to their cattle. The story is—the ladies had ordered the bell of Kilichuiman to be put in the boat to be set up in Glenconventh. When they were about the middle of the lake they were overtaken with a violent tempest, so

that they could neither sail nor row. One of the men (wiser it seems than the rest) desired to throw out the bell into the loch, since they could not carry it back. This was accordingly done, and presently followed a calm, so that the ladies got safe to shore. From that time the water of Loch-Ness, or according to others who are more wise, the water below where the bell was cast became medicinal. Superstitious people call it wine, and send it from a great distance to their cattle when they are sick."

Lord Hugh was notorious for his violent partisanship against Queen Mary, and he is said to have been very severe with his own vassals and followers. It was his custom to ride disguised through the country and mingle with his people, when he took special notice of the character and conduct of individuals. Coming one night to one of his own shepherds' windows he saw him partaking plentifully of good mutton for supper. "You answer for this to-morrow John," exclaimed his Lordship through the aperture, and instantly rode off. A shot was the reply, and so well was it levelled that the arrow stuck in the tippet of Lord Hugh's hunting cap. Next day the vassals were summoned to a Court at Lovat, the shepherd among the rest. As he approached the first object he saw was the cap with the arrow sticking in it on the table. "Is that yours?" asked his Lordship. An undaunted answer in an instant staggered him. "Think ye," replied the shepherd, "that I were a fit person to guard your sheep-cot if I could not shoot?" "Aim better next time," was the lordly reply, while he ordered the shepherd to receive one of the best yew bows in Lovat, and to be allowed to go his way on that occasion.

His Lordship was a great promoter of the manly sports and an expert Bowman. Being, as already stated, the general custom for all the nobility of the district to meet at stated periods for tilting, fencing, riding, and such exercises. At one of these rencontres, in the Chapel Yard at Inverness, Lovat dismounted Grant of Grant and the Sheriff of Moray, although both of them were famed for their strength and skill. This, with some unrecorded taunt which followed so irritated these gentlemen as to occasion sharp words between them and his Lordship, accompanied by a threat

of revenge, when Lovat replied that as he had already given them a specimen of his tilting he would try the mettle of their riding. Dashing the rowels into his steed he rode through the River Ness, and made straight for the hill of Clachnaharry, bidding them to pursue and keep a pace. Here he leaped his horse over the ledge of a precipitous rock, and invited his pursuers to follow him if they dared. But they, terrified at the appearance of the place, judged it wisest to desist. The impression, says our author, made by his horse's shoes was visible for upwards of 60 years after, as it was kept clean by a man who had an annual pension for preserving it.

Towards the close of 1576 he went south to concert measures with the Earl of Morton for tranquilising the northern parts of the Kingdom, and he died at Towie, in Mar, on his way back from Edinburgh on the 1st of January, 1576-77, from inflammation of the lungs "though there were many who hesitated not to avow their suspicions of his having fallen a victim to poison, the execrable practice of that unfortunate era." His body was carried north on the 18th of January, accompanied by not fewer than two thousand of his own clan, of the Grants, Mackintoshes, and others, to Beauly, where he was interred in the Priory.

The author of the Advocates' Library MS. describes the journey north, his death, and funeral in the following terms:—"Having finished his business with the Regent, he set out for the North, and intending to pay a visit to the Lady Dowager of Mar, he kept his Christmas with her, and the night after he had parted with her he was seized with a pleuratic fever in Towie of Mar, which in two or three days cut him off in the very prime of his age, the first day of January, 1576-77, aged 29 years. He was a nobleman of as consummate parts and abilities as any in the nation. His untimely death, says a gentleman speaking of him, defeated and broke the greatest design that ever any Lord Lovat had attempted. He had agreed with the Laird of Grant about the baronies of Urquhart and Glenmoriston, and had he lived to come home was to have been put in

possession of all the lands betwixt Chanonry and Beauly. When the report of his death came to Lovat, William Fraser of Struy, Tutor and uncle, ordered the whole name of Fraser to meet him at Tomnahurich, near Inverness, and out of them 800 or 900 men were chosen to march forward from this rendezvous to carry his body from Towie to the Aird. Thomas of Knockie, his brother, afterwards Laird of Strichen, and Struy had the command of these men, and under them were 24 gentlemen head of families as officers to conduct them. The Laird of Fowlis sent 100 Munros, well-appointed, to join them. They set out on the 7th of January for Mar, through Strathspey, and on their march were joined by several gentlemen of the Mackintoshes and Grants, who accompanied them all the way. At Towie, all the gentlemen of Mar, and the young Earl at their head met them. They set out from Towie on the 18th of January, and the weather growing serene and fair beyond expectation, they arrived with the body at Lovat on the 26th. There was never such a funeral seen in these parts for grandeur and magnificence. There were upwards of 2000 men under arms that conveyed the body to Inverness, besides all the nobility in the South. They arrived at Lovat on the 1st of February, and his remains were laid among the ashes of his noble ancestors before the great altar in the Priory Church of Beauly. Alexander Fraser, whom he had deputed under him as Captain of the Castle at Inverness, upon the first report of his death, sighed out the following distich in Gaelic, which is still remembered and repeated in the country:—

'S beag an iognadh mis' bhi bochd,
'S mor an lochd rinn ormsa Dia,
'S gun chaileadh an Tollaidh Mhàr,
Mac Shimidh 's shearr 'thainig riamh.

His Lordship married Lady Elizabeth Stewart, daughter of John, fourth Earl of Atholl, Chancellor of Scotland, with issue—

1. Simon, his heir and successor.
2. Thomas, who died in his ninth year.

3. Margaret, who married James Cumming of Altyre, with issue. Shaw (second edition) says that Cumming had a tocher with her of 3700 merks. She was infest in the lands of Relugas, which she had for a jointure, in 1602. Culbokie, Strichen, and Belladrum are the witnesses. "She is given to Altyre, *suo pura virginitate*—a phrase so often repeated in the charter that it seems to have been looked on, in the Aird, in those days, as something unusual."

4. Mary, who married Sir Hector Munro of Fowlis, with issue.

Hugh had also a natural son,

Alexander, who married Janet, daughter of Fraser of Moniack.

He lived in turns at Bunchrew, Kinmylies, and Dalcross. His Lordship's widow, described by Robertson, the historian, as "a woman intolerable in all the imperfections of her sex," at the next Christmas married Robert, Earl of Lennox and March, grand-uncle of James VI. The match, says Anderson, appears to have been assumed as a mere cloak to a criminal intrigue with Captain James Stewart, afterwards Earl of Arran, and Lord Chancellor. She finally divorced the Earl of March "for a reason," says the great historian already quoted, "no modest woman will ever plead," and married Captain Stewart, to whom she was with child before her separation from her former husband. The marriage, which was solemnised with great pomp, was beheld by all ranks with the utmost horror. Two sons were the fruit of this unhallowed union, the eldest of whom was James Stewart of Killeith, afterwards Lord Ochiltree. "If the outrage on public decency was great the grossest abuse of their exalted station was manifested by Arran and his abandoned wife." After running a career of violence and ambition the Earl, her husband, was attacked, while riding home through Symontown, near Douglas, accompanied by a servant or two, by Sir James Douglas of Parkhead, nephew of the Regent Earl of Morton, in revenge of Arran's vigorous procedure against his uncle, and slain on the spot. Arran's head was cut off and carried

on the point of a lance in a sort of triumph through the country, and so little charity was shown to his headless body that Calderwood, the ecclesiastical historian, says that before it was buried it was exposed to dogs and swine. But his death was afterwards avenged. In 1608 Sir James Douglas, who slew him, was met by Captain William Stewart, Arran's nephew, on the High Street of Edinburgh, when the latter, drawing his sword, ran it through Sir James' body, who fell down dead without uttering a word. Thus fell and thus was avenged the Earl of Arran, a person, says Robertson, "remarkable for all the vices which render a man formidable to his country, and a pernicious counsellor to his prince, without one virtue to counterbalance these vices, unless dexterity in conducting his own designs and an enterprising courage may pass by the name." To such straits was Arran reduced at one time that he was obliged to come north to the Aird and live concealed in the small island in Loch Bruiach, a few miles from Beaufort Castle.

The following appears as a footnote at pages 399-400, Vol. III., of the printed Records of the Privy Council, regarding this Dowager Lady Lovat, and her second and third husbands:—

"This (6th of July, 1581) was the date of the Earl of Arran's marriage to a woman who was to be celebrated henceforward in connection with him in the affairs of Scotland. She was Elizabeth Stewart, daughter of John, fourth Earl of Atholl, late Chancellor of Scotland, and had been twice married already. Her first husband, Hugh Fraser, sixth (?) seventh Lord Lovat, having died in January, 1576-77, she had married the King's great-uncle, Robert Stewart, Earl of Lennox; and it was she as 'Lady Levinex' or 'Madame de Lenox,' or 'Dame Elizabeth Stewart, Countess of Lennox,' that had managed in January, 1579-80 that important transaction of the delivery of the documents of the Lennox Earldom to the King's new French favourite, Lord Aubigny, which was the necessary preliminary to the demission of the Earldom itself by her husband in favour of his nephew. The demission having been completed in the following March when her husband ceased to be Earl of Lennox, and became Earl of March instead, she had been known since then—*i.e.* for about sixteen months—as the Countess of March.

To be wife of the King's great-uncle, with whatever title, was a high dignity ; but it did not suffice. She was young and very beautiful ; her husband was old, and there had come on the scene one of more kindred spirit, in the daring and magnificent James Stewart of Ochiltree, Captain of the King's Guard, and since Earl of Arran. The consequences had become public. At a time when March, Arran, and Arran's father, Lord Ochiltree, were all sitting together at the Council Board (sederunt of May the 30th, 1581) there was a famous suit in progress by the Countess of March for divorce from her husband, on the ground of his inability to be a husband. The divorce had been obtained easily enough ; and now, July 6th, 1581, the Earl of Arran and she were legally married. She was then three months gone with child. The circumstances caused great scandal among the clergy and among the people generally, but at Court they do not seem to have made much difference. Arran continued to sit in Council as usual, and he and his new wife were at Court together. The Earl of March seems to have gone into comparative retirement."

Lord Hugh died on the 1st of January, 1576-77, and was succeeded by his eldest son,

XIII. SIMON, EIGHTH LORD FRASER,

Who was a minor in his fifth year when his father died. The first important event in the affairs of the family at this period was a dispute about the Tutorship during the minority of the young Lord between his uncle, Thomas Fraser of Knockie, and his granduncle, William Fraser of Struy. There could have been no doubt that the uncle as nearest of kin had the legal right to this important position, but the granduncle pleaded that he had been Tutor and guardian to Hugh, Lord Simon's father, and that he had performed the responsible duties of the office with credit to himself and advantage to the estate and clan. Each had their supporters, and we have the following account of the dispute and its settlement :—After the interment of Hugh Lord Lovat, his brother Thomas, who made his appearance at the head of 500 men, and the principal gentlemen of the clan, met at Glascharn, near Beaufort, to elect a Tutor to the young Lord, who was but five years of age. Of these 300 were men in arms. William Fraser of Struy, granduncle to the Lord Lovat,

insisted that he had an undoubted right to the Tutorcy, having formerly executed that trust with fidelity and approbation. Thomas, on the other hand, urged his claims as nearest of kin, being uncle to the young nobleman. The clansmen were split into factions, and it seemed as if the dispute could only end by the sword, when the Rev. Donald Fraser Dubh, the first Protestant minister of Wardlaw, now Kirkhill, dreading the consequences of an appeal to arms, withdrew secretly from the meeting, and repaired to Beaufort, where the Lady Dowager then resided. He informed her of what had passed, and painting in forcible and eloquent terms the folly and misery of such a contest between members of the clan themselves, he besought her to interpose her authority and urge upon Struy to waive his pretensions, as otherwise a day more fatal to the Frasers than even that of Kinlochlochy might ensue. To this request her ladyship made an evasive reply; professions of esteem for himself as a clergyman were liberally bestowed, but propriety and a regard to her own dignity forbade her going to the meeting, since neither of the disputants had considered her worthy of being consulted earlier in a matter in which she was so much interested, "and whatever befel," she added, should the sword decide it, "not a drop of Stewart blood would be spilt" in the quarrel. The Rev. Donald Dubh, enraged and irritated at this taunt, instantly unsheathed his dirk, and told her ladyship, in strong and decided terms, emphasised by the use of a very unclerical adjective, that her Stewart blood would be the first spilt did she for another moment continue to refuse compliance with his request to write to Struy requesting him to yield to his nephew, who was Tutor-at-law, for it was strongly suspected that he was acting against Knockie at her ladyship's instigation. This brought about the desired result. Fear extorted what entreaty failed in. She wrote to Struy in the terms demanded of her; he gave up his claims; and Knockie was unanimously elected Tutor, a trust which he discharged so well as to be remembered, says the family chronicler, "in the memory of

our fathers by the name of the Good Tutor of Lovat."

On the 23rd of March, 1576-77, John, Earl of Argyll, becomes surety that Thomas should administer the office of Tutor to the benefit of his ward, Simon Fraser, pupil, son and heir of Hugh, Lord Lovat. The letters appointing him seems to have been dated only three days earlier, for this date is given in an action in which decree is granted against him on the 6th of March, 1577-78, at the instance of Elizabeth Stewart, Lady Lovat, and in which mention is made of the testament of the late Hugh, Lord Fraser of Lovat, dated at Elgin, the 1st of January, 1576-77, by which his Lordship "constituted and ordained John, Earl of Atholl, and Elizabeth Stewart, Tutors testamentors to his said son Simon," this being the month in which Lord Hugh died.

The next step which Knockie took on assuming office was to appoint a Court of Regality at Beauly, where the late Lord's patent under the Great Seal was read in presence of all the friends of the family, and afterwards he took the members of his Court along with him to settle all the estate marches, particularly those of the Priory lands to the north. He then held another meeting at Beauly where Lord Lovat's right to all the lands in possession of the Priory was acknowledged. The monks, sometime before this, had, for some reason or other, been dispossessed, but he allowed them to remain in the cells and made provision for their maintenance for the rest of their lives. Their Doctors of Divinity, assisted by Greyfriars and Missionary priests, served the Church cure of Inverness, of which Lord Lovat was the principal heritor, until about 1578, when the Tutor, having obtained the patronage of the adjoining parish of Bona in his own person confirmed to him under the Great Seal, had it annexed to the parish of Inverness, and gave his concurrence to the authorities of the town in appointing the Rev. Thomas Howieson, who had been ordained as a Catholic clergyman, but had now joined the Reformed faith and become the first Presbyterian minister of Inverness.

The Lord Regent and the Privy Council having been informed that proclamations by the Earl of Argyll were being made to convocate great numbers of men in a war-like manner for the pursuit and invasion of Donald Mac Angus of Glengarry, their Lordships issued letters dated Holyrood House, the 19th of February, 1577-78, charging Thomas Fraser of Knockie, Tutor of Lovat, Colin Mackenzie of Kintail, John Grant of Freuchie, Lachlan Mackintosh of Dunachton, Robert Munro of Fowlis, Alexander Ross of Balnagowan, Ranald MacRanald of Keppoch, and Alexander Chisholm of Strathglass, with their whole forces, to get themselves into full readiness to "pass forward, assist, succour, and defend the said Donald Mac Angus of Glengarry, his friends and servants, their bounds, goods, and gear, for the safety and defence thereof from the invasion of whatsoever persons pursuing the same, as they shall receive advertisement from the said Donald of the imminent danger and invasion, and to remain so long as the appearance of danger continues, under pains of tinsel of life, lands, and goods."

About the same time a dispute arose between the Tutor and Colin Mackenzie, XI. of Kintail. There were no fixed marches dividing the lands of the Priory of Beauly and the neighbouring estates to the north of it. Mackenzie "having his eye" upon the disputed lands, assembled his followers and marched into the district with the intention of appropriating them to himself. The Tutor of Lovat learning this, gathered his vassals at Beauly, determined that Kintail should not obtain a footing in his neighbourhood. Munro of Fowlis, a fast friend of Knockie, advanced to his assistance as far as the banks of the river Conon, with 300 of his followers. This formidable array alarmed Mackenzie, and he entered on peaceful negotiations, whereupon such terms were agreed to as were consistent with the Tutor's rights. He then withdrew his men, and all the differences which arose were soon forgotten. Mr Edmund Chisholm Batten suggests that these terms included a condition that Lord Lovat should marry Catherine, eldest daughter of Colin

of Kintail, which he afterwards did when he was only seventeen years old.*

A charter by the Abbot of Kinloss to Hugh Lord Fraser of Lovat, his Lordship's father, of the lands of Ardnagrask, was confirmed to Simon Lord Lovat "pupilli, filii et haeredis dict. quondam Hugoni Domini Fraser de Lovat, nunc in sua minore et tenera aetate," on the 10th of August, 1579. This charter, along with the one granted to the deceased Lord Hugh by Prior Walter Reid, and the sasines following thereon to himself and his son Simon, now Lord Lovat, were confirmed in 1584 by Act of Parliament, by the King and Estates, reciting the good services rendered by the deceased Lord Hugh, and his heir Lord Simon, although the latter was at that date only twelve years old. The services reported were however no doubt rendered by his Tutor.

On the 11th of March, 1579-80, there is a decree of the Lords of Session ordering the registration of a bond by Hugh, Lord Fraser of Lovat, to David Vans, Leith, dated the 26th of April, 1572, and already referred to, which at the first named date had been transferred to Simon, Lord Fraser of Lovat, Hugh's son and heir, and to Thomas Fraser of Knockie, his Tutor.

On the 4th of May, 1580, the Lords of Session pronounce a decree at the instance of Simon, Lord Fraser of Lovat, son and heir of the umquhile Hugh, Lord Fraser of Lovat, and Thomas Fraser of Knockie, his Tutor, against Donald Dubh Fraser, minister of Wardlaw, for the production of certain tacks of teinds.

On the 10th of July, 1581, letters of Tutorcy are granted under the Great Seal, by which James, Earl of Arran, Lord Hamilton "is lawfully constituted Tutor dative by our Sovereign Lord to Simon, Lord Fraser of Lovat, son and heir of the umquhile Hew, Lord Fraser of Lovat, Anna and Margaret Fraser, his daughters, pupils." This document proves beyond a doubt that Hugh Lord Fraser of Lovat left only one son and two daughters, notwithstanding

* *The Priory of Beauly*, pp. 278-79.

the statement in Douglas's *Peerage* and *Baronage* that he left a second daughter Elizabeth, for had there been any other surviving children they would have been included in the letters of Tutory.

On the 14th of July, 1581, the Lords of Session pronounce sentence at the instance of Dame Elizabeth Stewart, Countess of Arran, widow of Hugh, Lord Fraser of Lovat, and the Earl of Arran, her present husband, against Thomas Fraser of Knockie, Tutor of Lovat, pretended factor appointed by the Earl of March, her pretended husband, ordering the Sheriff of Inverness to eject him from her terce lands.

On the 1st and 2nd of March, 1582, a contract is made, and registered on the second of these days, between Dame Elizabeth Countess of Arran, relict of the late Hugh Lord Fraser of Lovat, and James Earl of Arran, Lord Avon and Hamilton, her spouse, for his interest, for themselves and as taking burden for John MacRanald, in Caithnock, on the one part, and an honourable man, Thomas Fraser of Knockie, Tutor in law to Simon, now Lord Lovat on the other part, which narrates—"That so much as the said umquhile Hugh, Lord Fraser of Lovat, in his latter will and testament nominated and ordained the said Elizabeth, Countess of Arran, his relict, tutrix testamentor to Simon, now Lord Lovat, his son, by reason whereof the said lady intromitted with the said Lord's living until the year of God 1578, since the which time, the said Thomas, as Tutor of law to the said Simon Lord Lovat, has used the said office of Tutory lawfully, and has intromitted with so much of the said Simon Lord Lovat's living, as appertains to the said Tutory, beginning at the year of our God, 1579, and continually since syne, as he does yet." Therefore it is agreed that either of the parties shall ratify, as they then do, the other party's right, "and intromission foresaid, and shall never impugn nor call the same in question or doubt in time coming; nor shall the said noble lady pretend further title to the said office of Tutory, neither testamentor nor dative, nor in time coming, till the said Simon Lord

Lovat, on his obtaining perfect years." Following upon this agreement a discharge, dated at Kinnell, the 4th and registered on the 9th of March, 1582, is given by James Earl of Arran, and by Elizabeth Countess of Arran, to Thomas Fraser of Knockie, for the sum of £1130 6s 8d, in full payment of 2500 merks which Thomas became bound to pay as part of the stipulations made in the contract.

At Edinburgh, on the 22nd of April, 1583, Thomas Fraser of Knockie, Tutor of Lovat, enters into an agreement with John Wardlaw, burgess of Edinburgh, David Vans, and John Vans his son, both residing in Leith, to sell—to Wardlaw the equal half, and to the Vanses the other equal half of the victual, bear, meal, and salmon following, etc.—ten chalders bear, six chalders, four bolls, oatmeal, four lasts and one-half last salmon, good and sufficient merchant ware, full red and sweet.

On the following day there is an obligation, dated at Holyrood House, by Hucheon Fraser of Guisachan as cautioner for William Fraser of Foyers, Andrew MacFinlay, Vic Euir, Ago MacAndoy, and all others that he may stop or let, and also by the said William Fraser of Foyers as cautioner for the said Hucheon Fraser of Guisachan, William, Alaster, and Hucheon Fraser, his three sons, Andrew Kelloch, and all others that he may let or stop, as follows—The foresaid persons and all others that may stop or let, "shall desist and cease from the feu lands and living pertaining to Simon, Lord Fraser of Lovat, woods, fishing, and deer, and from cutting of the woods of Strathglass, molesting or troubling the waters of Forne, Kiltarilty, and Kilmorack, and from slaying of any red or black fish with spears, nets, or any other instruments, or raving or taking them from 'Carynais' by any manner of ways; from hunting or slaying of the deer of Strathglass; and last, they shall assist the said Lord, his chamberlains, factors, and servants in his name in brouking and uptaking of the duties of the feu and blench lands and living, using the fishings, wood, and deer, to his own use and commodity in all time

coming." The penalty for William Fraser of Foyers and Hucheon Fraser of Guisachan is £1000 each, *toties quoties*, as the premises shall happen to be contravened; and each of them obliges himself and his heirs to warrant and relieve the other of the premises and of all pain and danger that they shall happen to sustain therethrough. Hucheon of Guisachan signs his own name to this contract, but William of Foyers with "my hand at the pen, led by Johnne Andro, notar, at my command, as I can nocht write." There is another cautionary bond in the same year by Hucheon Fraser of Guisachan and others in favour of William Fraser of Struy, several others, and of "all the said William Fraser, men, tenants, and servants, and others that he may let." William of Struy goes caution for William Mac-Hucheon Roy, his household, and all others that he may let, to the effect that all the parties shall observe the injunctions of the former act of caution, dated the 23rd of April preceding, concerning the feu lands, fishing, and deer belonging to Simon Lord Fraser of Lovat. The penalty for William Fraser of Struy is £1000 and for William MacHucheon Roy, 500 merks.

On the 26th of April, 1585, an agreement which was entered into at Beauly in November, 1575, between Hugh Lord Fraser of Lovat, Simon's father, and Thomas Fraser of Knockie respecting certain feu-duties which Thomas undertook to pay from the lands of Farnlye and Urquhayne is registered at the instance of Simon Lord Fraser of Lovat, son and heir of the umquhile Hugh Lord Fraser of Lovat, his father, and James Earl of Arran, John Earl of Montrose, Sir John Maitland of Thirlestane, and Sir Robert Melville of Murdo Cairny, his curators.

On the 10th of June in the same year George, Bishop of Moray, with the consent of the Dean and Chapter of the Cathedral Church of Moray, leased the great tithes of Wardlaw to Simon Lord Fraser of Lovat for £40 a year for his own life and that of any heir nominated by him, for the life of the survivor, and for nineteen years after. Alexander, Bishop of Moray, confirmed the lease in 1607,

and in 1617 the vicarage and small tithes of the same parish were leased to the same Lord Simon for life and his heirs-male for nineteen years at an annual rent of £4.

On the 20th of September, 1585, John Gordon of Pitlurg becomes security in £1000 for Alexander Chisholm of Comar that Simon, Lord Fraser of Lovat, his tenants and servants, shall be scathless of the said Alexander in their bodies, lands, woods, fishings, steadings, and goods.

Mr Anderson says that although young Simon showed no great inclination for letters, his uncle and Tutor, Thomas Fraser of Knockie sent him to King's College, Aberdeen, where he was placed under the care of Mr Rate, sub-Principal, while his private studies were directed by Mr James Spens, whom his Lordship styles his pedagogue. In a little time he became so unruly as to compel the Regent to intimate to his uncle that he could no longer take charge of him. On learning this and becoming apprehensive of his guardian's displeasure, Simon in July, 1586, fled to Ireland with an Irish fellow student. "His flight threw the Tutor into the greatest dilemma. The inquiries set on foot met with no success, till about six months afterwards, when he received a letter from his ward acquainting him that he had a curiosity to see Ireland, where he was a resident under the hospitable roof of the Earl of Antrim, who used him as his own child." Knockie proceeded without delay to the King, explained the situation, and procured a letter from his Majesty commanding the Earl to restore the runaway Lord to his friends. This was ultimately done, for in June 1588, he returned home, having been absent for nearly two years.

Mr Edmund Chisholm Batten says that "the person with whom his Lordship was staying was Sorley Buy, who styled himself Lord of the Route, and is named with Macangus M'Onell of the Glens," as witnesses to the bond of interdiction executed by Lord Simon in 1587.*

Before Simon's return, however, and on discovering his retreat, and apprehensive that he might be led into

* *Priory of Beauly*, p. 277.

measures injurious to his own and his kindred's interests, the Tutor prevailed upon him to execute a deed, dated at "Air and Glaimorne in Ireland, the 15th of September and 3rd October, 1587," and recorded on the 27th of the latter month, in the following terms:—

"Be it known to all men by these present letters, me, Simon, Lord Fraser of Lovat, with express consent, assent, and advice of my curators, underscribing, for eschewing of the craft and deceit of such persons as, for their own profit, might twist or move me to dispone any part of my lands and leasing, and for keeping thereof together till such time as I may have sufficient experience of worldly affairs, to be bound, and by the tenor thereof, binds and obliges me, that I shall neither sell, annalzie, nor put away any of my lands, baronies, rooms or possessions, nor make any assignations, resignations, nor renounce, nor discharge any actions that may be competent, nor grant tacks longer than five years, and that without diminution of the old rental that was paid of before to me or my predecessors. In short that I shall neither directly or indirectly do nor perform any deed that may hurt me or my heirs anent our said living, or anywise diminish the rental thereof, without the special advice, consent, and assent of my honourable friends after nominated: To wit, James, Lord Stewart, late Chancellor of this Realm; Dame Elizabeth Stewart, Lady Lovat, his spouse; James, Lord of Doune; Thomas Kennedy of Bargony; Patrick Gordon in Auchindown; Alexander Fraser of Philorth; Sir William Stewart of Coverston, Knight; Thomas Fraser of Knockie; and William Fraser of Struy; at least three of them obtained thereto, the said James, Lord Stewart, Lord Chancellor, or his said spouse, being always one of the three."

Among the witnesses to the deed are "Sorill M'Konell, Lord of the Routt," and "MacAngus M'Onell of the Glenis," and it is signed "Symon, Lord Fraiser of Lovett," James, Lord Chancellor, and others.

On the 10th of October, 1586, Lord Simon Fraser of Lovat received charters of confirmation of Easter and Wester Kinmylies and other lands in Inverness-shire as great-grand child of Hugh Lord Lovat, granted by Patrick Hepburn, Bishop of Moray, to his grandfather.

In the Roll of 1587, giving the names of landlords and bailies "quhair broken men hes duelt and presentlie duellis," Lord Lovat and his Tutor are mentioned.

On the 3rd of August, 1588, Thomas Fraser of Knockie

gives caution for Marjorie Fraser, Lady Ratie, John Fraser of Creichie, and Alexander Fraser, his son, that they will not molest Jonett Chrystesoun.

In a complaint by Lady Ross of Fowlis and four others charged with "witchcraft and other forged and feigned crimes" which came before the Privy Council at Edinburgh, on the 4th of June, 1589, it is decided that in certain eventualities, a commission shall be given to Thomas Fraser of Knockie, Tutor of Lovat, John Urquhart of Cadboll, Tutor of Cadboll, and Alexander Bayne of Tulloch, or any two of them, to administer justice "conforme to the lawis of this realme." On the 4th of August, in the same year, James Forbes of Corsindal as principal, and Thomas Fraser of Knockie as his surety, grant caution that he will not harm Marion Caddell, relict of Alexander Forbes of Braidhauch, her bairns, tenants, or servants. On the 1st of November, 1590, the Earls of Atholl and Moray, Lord Lovat, John Grant of Freuchy, John Campbell of Calder, Thomas Stewart of Grandtully, Patrick Grant of Rothiemurchus, Sutherland of Duffus, and Archibald Grant of Balintore, entered into an alliance offensive and defensive, directed against the Earl of Huntly. On the 16th of December following, Simon Lord Lovat is among the chiefs of clans who are ordered to give caution for good rule in their respective districts, the amount in his case being £10,000.

In 1590, Simon Lord Fraser of Lovat was served heir to his father and grandfather at Inverness, when the Tutor submitted his accounts in such "good order that he obtained the universal approbation of all present. He not only freed all the mortgages on the estate, without a sixpence of debt, but likewise added 5000 pounds Scots a year to it. Thus Lord Lovat entered upon the possession of 80 davochs of land without feu or mortgage, and (the rent) amounted at that time to 40,000 merks Scots." It is therefore no wonder that Thomas of Knockie should be long remembered as the "Good Tutor" of Lovat. On the 9th of February, 1590-91, caution is again given by him as principal, and by

John Grant of Freuchy as surety for his Lordship, for another £10,000. On the 6th of March following, Thomas Fraser of Knockie is appointed a Commissioner from the General Assembly of the Kirk.

On the 29th of August, 1592, Simon receives a charter of the barony of Beauly as great-grandchild of Hugh Lord Lovat, deceased.

Thomas Fraser of Knockie, on the 3rd of March, 1592-93, becomes surety for 5000 merks that Alexander Fraser of Philorth will not assist the Earls of Huntly and Errol, and others guilty of the Jesuit and Spanish Conspiracy, and of the murder of the Earl of Moray at Donniebristle.

On the 9th of the same month, Simon Lord Lovat is appointed Councillor for the Earl of Atholl, His Majesty's Lieutenant in the North, along with his Tutor, Thomas Fraser of Knockie, John Grant of Freuchie, Colin Mackenzie of Kintail, Lachlan Mackintosh of Dunachton, George Ross of Balnagowan, and others for the following purposes:—(1). To apprehend George Earl of Huntly, William Earl of Angus, Francis Earl of Errol, Sir Patrick Gordon of Achindoun, Sir James Chisholme of Dundorne, “and all other Jesuits and seminary priests, and trafficking papists, treasonable practisers against the estate of the true religion presently professed within this realm, his Highness’ person, crown, and liberty of this country.” (2). To apprehend and present to the King and Council or to the justice for punishment, the persons following, all at the horn for treasonable fire-raising and burning of the place of Donniebristle and murder of James Earl of Moray. Then follows the names, beginning with the Earl of Huntly and Sir Patrick Gordon of Auchindoun, the remainder being a long list almost entirely Gordons. (3). To repress, or apprehend and try by assize, all thieves, sorers, masterful oppressors, “hieland and lauland brokin men,” and others within the same bounds that may hereafter commit “murthour, slaunchter, fyre-rasing, thift and ressett of thift, revissing of wemen, maisterfull reiff and oppressioun.” (4). In case the malefactors above-mentioned flee to houses of strength,

to charge the keepers of the same to render them, under the pain of treason, "and they disobeiyand, to persew and assege the saidis houssis." (5). For the above purposes to charge all the lieges within the said bounds to convocate themselves in arms and follow the said Commissioner upon such days and at such places as he shall appoint, under pain of loss of life, lands, and goods. (6). To charge persons at his discretion to appear before him and find caution for their obedience, under the same penalty. (7). To charge persons standing under deadly feud to give mutual assurance, or find caution, for keeping the peace, under the same penalty. (8). To charge the houses of the said conspirators and their resetters to be rendered, under pain of treason. (9). To make acts for keeping good rule in the country, and for punishing the disobedient by death, warding, banishment, or pecuniary penalties, according to the quality of their offence.

The Commission is to continue until discharged by the King, and to the effect that the Commissioner and his deputes may "find their pains and troubles herein well bestowed," his Majesty dispones to them the escheat goods of all persons that may be convicted by them of reset of the traitors or intercommuning with them, with power to them, or those who may notify or discover the names of such offenders, to intromit with the said escheat goods after conviction, "and so much thereof to their own use to apply as they shall think good, and the rest in whole or in part to dispone to the said discoverers and notifiers," at the discretion always of the Commissioner, to whom his Highness promises, moreover, to dispone the gift of half of the lands of such offenders, "after the process and doom of forfeiture has been pronounced and led against them." All previous commissions of Lieutenantcy and Justiciary within the said bounds are discharged; and the proclamation of the premisses is ordered at the Market Crosses of the head burghs of the respective shires, with commands to the lieges there, to rise and assist the said Commissioner, whenever warned, under pain of loss of life, lands and goods; and finally, all

licenses and exemptions granted to any of the inhabitants within the bounds, "from raids, assizes, or in quests," are withdrawn and declared null and void.

After the surrender of the Church lands to the Crown, Lord Lovat, on the 15th of August, 1592, obtained a new charter from the King of the lands and Priory of Beauly, erecting it into a free barony called the barony of Beauly. The charter, proceeding on his own resignation, is in favour of his heirs-male and assignees whatsoever. Soon after this, also on his own resignation, he receives a Crown charter of the lands of Easter and Wester Aigas, and of the forest of Browling, with the same destination as the preceding one.

In 1593, when the King came north in pursuit of the Earls of Huntly, Angus, and Errol, known as "the Banished Lords," Lovat, with several hundred of his friends and clan, proceeded to Aberdeen to meet his Majesty, who formed a very good opinion of him "as a nobleman inviolably attached to the interest of the Crown, and the keeping up the splendour of the Royal dignity, for he was a most expensive man, and loved show greatly, and perceiving the great number of his dependants and followers, considered Lord Lovat as a great and useful subject, and so much to be encouraged in the paths of loyalty that he and his illustrious predecessors had ever trod in, and upon that (the King) dropped some very kind expressions as if he intended he should be the great man in the northern parts, and to be set up to curb the insolence and outrage of any other great man there. Some time after this, the Duke of Lennox came North as the King's Lieutenant to pursue the Popish rebel lords, who had fled to Strathnaver, and being soon recalled to Court he left a deputation with Lord Lovat, who managed this trust with such admirable prudence and address that he gained the heart of Huntly ever after, having been a principal instrument in the Convention in reconciling these Lords to the King."*

On the 15th of June, 1594, Simon Lord Lovat is appointed by the King one of the assessors of Justiciary

* MS. in the Advocates' Library.

for the Sheriffdoms of Elgin, Forres, Nairn, Inverness, and Cromarty. In the same year he gives security in the sum of £20,000 that he and all for whom he is answerable shall keep the King's peace and good rule in the country.

He got into high favour with James VI., by whom he was created a Lord of the Privy Council and we find him attending sittings of that body on the 28th of October, 1594; the 9th of January, 1594-95; 5th of February, 1595-96; on the 27th of May, 1597; 2nd of July, 1606; and on the 21st and 28th of May, 1607; on the 17th, 19th, 24th, and 26th of May, and on the 2nd, 7th, 14th, 16th, 21st, 23rd, 28th, and 30th of June; on the 9th, 12th, 14th, and 21st of July; and 9th of August, all in 1608; on the 1st, 6th, 8th, 13th, 26th, and 27th of June; on the 4th, 6th, 11th, 13th, 18th, 20th, 25th, and 27th of July; on the 3rd, 4th, 8th, and 10th of August, all in 1609.

On the 7th of November, 1594, Simon Lord Lovat makes oath as one of the barons of the North that he will assist his Majesty's Lieutenant, with his advice and force at all times and occasions, along with the chiefs of MacKenzie, Grant, Mackintosh, and others, and on the same date he is appointed a member of the Council of Ludovick Duke of Lennox, at the time the King's Lieutenant in the Highlands.

On the death of his maternal uncle, the Earl of Atholl, this year, when on the failure of heirs-male that dignity became extinct, Nisbet says that it was offered to Simon, but that he declined the honour, as it would involve the sinking of his own family honours of Lord Lovat; whereupon the title of Earl of Atholl was *de novo* conferred on John Lord Innermeath, by charter under the Great Seal, he being a Stewart and originally of the same stock as the old Earls of Atholl.

The author of the Advocates' Library MS. writing on the same subject says that "the King had an opportunity to raise Lord Lovat to higher dignity and honour than the family had hitherto enjoyed. For in the year 1594, John, Earl of Atholl, Lord Lovat's uncle dying without male issue

the dignity became extinct and at the disposal of the Crown. It is well vouched that the King offered the honour and title of Earl of Atholl to this noble Lord. When the offer was first made to him he waived giving the King any positive answer, till he should think upon it and advise with his friends and relations what might the consequence of his accepting this new honour be with respect to his own hereditary dignity of Lord Lovat. After having deliberated several months, he came back to Court and made his most humble, thankful, and hearty acknowledgments to his Majesty for the honour he intended to bestow upon him, but declined accepting of the honour of Earl of Atholl, which he conceived was an immerging of his title of Lord Lovat if not a total sinking of it in the higher honour of an Earl, and that he was fully satisfied with the title which he and his ancestors had so long enjoyed by the favour and bounty of the Crown, and hoped that he and his successors should still continue that dutiful loyalty and firm adherence to the Crown in all succeeding ages as his ancestors had done so many preceding generations before him. To support this account it is certain that several months passed betwixt the time of the Earl of Atholl's death, the Lord Lovat's uncle, and the conferring the dignity of the Earl of Atholl upon John Lord of Innermeath. For from undoubted vouchers and records we are certain that John, the fifth and last Earl of the first Stewartine line of the Earls of Atholl died at Perth on the 28th of August, 1594, and Lord Innermeath was not of new created Earl of Atholl till the 6th of March, 1595, or according to the computation used in Scotland till 1600, 1596, which is full more than a year and a half that the matter was in agitation."

In 1595 his Lordship was called to Court by the King, and in November of that year he was a member of the Convention held at Dunfermline, where the proposal to receive the banished Lords into favour was proposed and discussed.

After his marriage Lord Lovat continued for some time to reside at Court, and on his return to the North he was

attended by the Tutor and the principal gentlemen of his clan, as well as by the Lairds of Philorth, Muchal, and Durris. "There was no dispute then about being Chief, for all the Frasers in Scotland acknowledged Lord Lovat to be Chief." He loved show and "was very expensive in building, as well as in the economy of his family. He lived in Beauly, which at that time excelled any house in the North for convenience and accommodation. He repaired Beaufort and Lovat. He built the house of Bunchrew and the Castle of Dalcross from the foundation, and had a good dwelling-house in Inverness." So says the family chronicler already quoted.

On the 4th of February, 1597, a serious disturbance took place at Logie Riach, on the banks of the Conon, county of Ross, in which the Frasers became interested, on the occasion of the Candlemas market. The Fraser version of the incident is as follows—John Macleod MacGillechallum, brother to Macleod of Raasay, a bravo, who traversed the country with a band of seven or eight ruffians, committing every excess with impunity, and the countenance of certain lairds equally vicious with himself, had laid hold of a shopman's wife and seized upon her husband's goods, when he was beheld by John Bayne, brother of the Laird of Tulloch. He, being touched with compassion, espoused the weaker side, and commanded MacGillechallum to desist. From words they fell to blows. John Bayne gave the ruffian three mortal wounds, and killed two of his associates. His only second in this arduous conflict was his foster-brother Donald Fraser, Mac Alastair; the uproar spread; the Mac-kenzies took the part of MacGillechallum; the Munros joined Bayne; blows were dealt alike on friends and foes; numbers were slain, and the chase "or running fight" was pursued down the Frith to Millachaich. Bayne and his armour-bearer, retired unhurt to Beauly, where Lord Lovat protected them and despatched Fraser of Phopachy with an account of the affair to the King, then at Falkland, whereupon an ample remission was sent to Bayne, and his opponents ordered to be proceeded against as traitors.

The following version of the affair, based on Sir Robert Gordon's *Earldom of Sutherland*, Mackenzie family MSS., and the records of the Privy Council, is given in Mackenzie's *History of the Mackenzies*—John MacGillechallum, a brother of the Laird of Raasay, annoyed the people of Torridon, which place at that time belonged to the Baynes of Tulloch. He alleged that Tulloch, in whose house he was fostered, had promised him these lands as a gift of fosterage ; but Tulloch, whether he had made a previous promise to MacGillechallum or not, left the lands of Torridon to his own second son, Alexander Mor Mac Dhonnchaidh Mhic Alastair, *alias* Bayne. He afterwards obtained a decree against MacGillechallum for interfering with his lands and molesting the people, and on a Candlemas market, with a large following of armed men, made up of most of the Baynes, and a considerable number of Munros, he came to the market stance, at that time held at Logie. John MacGillechallum, ignorant of Tulloch “getting the laws against him,” and in no fear of his life or liberty, came to the market as usual, and while standing buying some article at a Chapman's stall, Alastair Mor and his followers came up behind him unperceived, and, without any warning, struck him on the head with a two-edged sword, instantly killing him. A gentleman of the Clann Mhurchaidh Riabhaich Mackenzies, Ian Mac Mhurchaidh Mhic Uilleam, a very active and prompt man, was at the time standing beside him, and he asked who dared to have spilt Mackenzie blood in that dastardly manner. He had no sooner said the words than he was run through the body by one of the swords of the enemy ; and thus, without an opportunity of drawing their weapons, fell two of the best swordsmen in the North of Scotland. The alarm and the news of their death immediately spread through the market. “Tulloch Ard,” the war cry of the Mackenzies, was instantly raised ; whereupon the Baynes and the Munros took to their heels—the Munros eastward to the Ferry of Fowlis, and the Baynes northward to the hills, both followed by a band of the infuriated Mackenzies, who slaughtered every

one they overtook. Ian Dubh Mac Choinnich Mhic Mhurchaidh, of the Clann Mhurchaidh Riabhaich, and Ian Gallda Mac Fhionnla Dhuibh, two gentlemen of the Mackenzies, the latter of whom was a Kintail man, were on their way from Chanonry to the market when they met in with a batch of the Munros flying in confusion and, learning the cause to be the murder of their friends at Logie market, they instantly pursued the fugitives, killing no less than thirteen of them between Logie and the wood of Millechaich. All the townships in the neighbourhood of the market joined the Mackenzies in the pursuit, and Alastair Mor Bayne of Tulloch only saved himself, after all his men were killed, by taking shelter and hiding for a time in a kiln-logie. Two of his followers, who managed to escape from the market people, met with some Lewismen on their way to the fair, who, noticing the Baynes flying half naked, immediately stopped them, and insisted upon their giving a proper account of themselves. This proving unsatisfactory they came to high words, and from words to blows, when the Lewismen attacked and killed them at Ach-an-eilich, near Contin.

The Baynes and the Munros had good cause to regret the cowardly conduct of their leaders on this occasion at Logie market, for they lost no less than fifty able-bodied men in return for the two gentlemen of the Clan Mackenzie whom they had so basely murdered at the fair. One lady of the Clan Munro lost her three brothers, on whom she composed a lament, of which the following is all we could obtain :—

'S olc a' fhuair mi tus an Earraich,
 'S na feill Bride 'chaidh thairis,
 Chaill mi mo thriuir bhraithrean geala,
 Taobh ri taobh a' sileadh fala.
 'Se 'n dithis a rinn mo sharach',
 Fear beag dubh a chlaindeamh laidir,
 'S mac Fhionnla Dhuibh á Cinntaile
 Deadh mhearach nan adh 's nan aigeach.

When night came on, Alastair Mor Bayne escaped from the kiln, and went to his uncle Lovat, who at once de-

spatched James Fraser of Phopachy south with all speed, to prevent information from the other side reaching the King before he had an opportunity of relating his version of the quarrel. His Majesty was at the time at Falkland, and a messenger from Mackenzie reached him before Alastair Mor, pursuing for the slaughter of Mackenzie's kinsman. He got the ear of his Majesty and would have been successful had not John Dubh Mac Choinnich Mhic Mhurchaiddh meanwhile taken the law into his own hands by burning, in revenge, all Tulloch's cornyards and barns at Lemlair, thus giving Bayne an opportunity of presenting another and counter claim; but the matter was ultimately arranged by the King and Council obliging Kintail and Tulloch mutually to subscribe a contract of agreement and peaceful behaviour towards each other.*

On the 31st of January, 1602, attention is called by the Privy Council to the various Acts of Parliament ordaining wapinshawings over all parts of the Kingdom twice a year, and to the fact that these and the proper armament of the lieges having been "altogether neglected and misregarded in the Highlands," it is ordered that general musters and wapinshawings be made of the inhabitants of the Highland bounds on the 10th of March next, before their respective chiefs, Simon Lord Lovat being named as one. At the same time a levy is made by the King upon his Lordship for a hundred men to assist Queen Elizabeth of England in her wars against her "rebels" in Ireland. On the 9th of February, the same year, the Earl of Moray promises to seek the advice and good offices of Simon Lord Lovat, and others named, in an attempt set on foot to bring about a reconciliation between him and the Earl of Huntly, and they are to meet for that purpose on the 20th of April following. On the 29th of April he and Thomas Fraser, Tutor of Lovat, are charged, along with several others of the northern chiefs, to appear before the King and Council in June next, under pain of rebellion, to give their best advice for the necessary measures to punish and put down

* *History of the Mackenzies*, second edition, pp. 180-182.

the “disordered and broken men of the clans in the Highlands,” who daily commit “open and manifest reifs, heirships, oppressions, and depredations upon the peaceable and good subjects of the incountry,” and who, not contented with all this, have “taken the boldness in ‘oistis,’ troops, and companies, to repair in fair daylight within the heart of the incountry and to the ports of Elgin, which was the most peaceable part of the whole land, and there to sorne, slay, harry, and oppress at their pleasure;” and understanding farther that this boldness proceeds from the feuds among the barons and gentlemen of those parts of the country, who not only neglect their duty of pursuing and suppressing the depredators, but actually foster them and employ them against those with whom they have grudges. Hence the charge to the Highland chiefs to appear before the King and Council. On the 28th of July in the same year, the Lords of the Privy Council order, that because “one of the chief causes which procure the frequent heirships and enormities committed by the disordered thieves and limmars of the Clan Cameron, Clanranald, and Mac Ian Abraich, is the free resort and passage they have through the lands of Symon Lord Lovat, and others named, the said landlords shall be held answerable for all reifs by the said thieves the booty of which passes through their bounds.”

On the 29th of June, 1602, Thomas Fraser, Tutor of Lovat, enters into a bond of caution along with William Sutherland of Duffus to the amount of 5000 merks for William Rose of Kilravock, that he and those for whom he is answerable shall observe the King’s peace, that he shall appear before the King and Council when charged to do so, and that he shall redress the parties wronged. On the same date Kilravock gives a bond for the Tutor of Lovat for the sum of 3000 merks, and the Tutor gives another, along with John Grant of Freuchie, in 2000 merks for Angus Williamson of Termit.

Lord Simon is again on record on the 18th of September, 1602, on the 13th of September, 1603, and on the 21st of

March, 1604, in connection with various bonds of security to him and by him ; also on the 3rd of May and 15th of October, 1604. On the 3rd of October, 1606, Lord Simon sold the lands of Abertarff to Donald MacAngus Macdonald, VIII. of Glengarry, under reversion, for 5000 merks. On the 9th of February, 1607, his Lordship becomes security in £1000 for Malcolm Fraser, Ruthven, that he will not harm James Fraser of Phopachy. The bond is subscribed at Inverness on the same date. On the 20th of May, 1608, he is present as a member of the Convention of Estates. He is one of the Privy Councillors who, on the 14th of July, 1608, signs a letter addressed to the King anent the murder of Lord Thorworald that day in the High Street of Edinburgh. On the 6th of October, 1608, he expedes another special service to himself as heir-male of entail and provision of the lands of Glenelg. It is ordered at a meeting of the Privy Council held on the 6th of February, 1609, that Simon Lord Fraser of Lovat, Kenneth Mackenzie, XII. of Kintail, Grant of Grant, the Earl of Caithness, and other chiefs, appear personally before their Lordships on the 25th of March following to come under such order as shall be prescribed to them touching the finding of caution for the quietness and obedience of their bounds, and that no fugitive or disobedient Islesmen shall be reset or supplied within the same, under the pains of rebellion and horning. His Lordship did not appear, and his absence was excused, but he is ordained to find caution as one of the tutors and curators of Ross of Balnagowan, "under the pain of four thousand pounds," within fifteen days after the charge, under pain of rebellion. On the 21st of March, 1609, he expedes another special service to himself, in the same capacity as in the preceding year, of the lands of Glenelg as heir-male to Hugh Lord Lovat, his great grandfather.

At Edinburgh, on the 28th of the same month, a commission under the Signet, subscribed by the Chancellor and the Earl of Dunbar, is given to Simon Lord Fraser of Lovat and three others to apprehend John Mac Murthie,

son of Ewen Mac Murthie Nashag, "tinklar, suspect and dilait of treasonable forgeing, prenting, outputting, and exchangeing of false and adulterat money," and to bring him before the Privy Council.

On the 28th of June, 1609, Simon appears before the Privy Council and becomes cautioner in £5000 for Archibald Earl of Argyll, that neither he nor any for whom he is answerable between the Mull of Kintyre and Lochaber, shall reset or supply within the said bounds any fugitives from the Isles, and the Earl in turn becomes bound to relieve his cautioner.

At a meeting of the Privy Council held on the 20th of February, 1610, a commission is issued in favour of his Lordship, Kenneth Mackenzie of Kintail, John Mackenzie of Gairloch and others, to apprehend certain desperadoes in Trotternish, Isle of Skye, all of whom "remain unrelaxed from a horning of 18th January last," raised against them by the widow of Donald MacAlastair in Dibaig, "for not finding caution to answer before the Justice for the stealing of forty cows and oxen, with all the insight and plenishing of the said late Donald MacAlastair's house in Dibaig, worth £1000, and for murdering the said Donald," his tenants and servants. They are to convocate the lieges in arms for apprehending these rebels, and to enter them, when taken, before the Justice to be suitably punished. On the 29th of March in the same year, another commission is issued in favour of Simon Lord Lovat, Kenneth Mackenzie of Kintail, Donald Gorm Macdonald of Sleat, and Donald MacAllan MacRanald, Captain of Clanranald, against John MacAllan MacRanald, who is described as "having this long time been a murderer, common thief, and masterful oppressor" of the King's subjects.*

On the 15th of February, 1610, his Lordship is chosen one of the Ecclesiastical High Commissioners. This commission was appointed by James VI.—

"Forasmuch as complaint being made to us in the behalf of the ministry of this our kingdom, that the frequent advocations purchased

* *History of the Mackenzies*, second edition, pp. 191-192.

by such as were either erroneous in religion, or scandalous in life, not only discouraged the ministry from censuring of vice, but emboldened the offenders to continue in their wickedness, using their advocations as a means to delay and disappoint both trial and punishment. We, for eschewing of this inconvenience, and the number of true professors may be known to increase, the anti-Christian enemy and his growth suppressed, and all sorts of vice and scandalous life punished, and that neither iniquity nor delay of trial and punishment be left by this subterfuge of discouraging of ecclesiastical censures to proceed on things so meet and proper for them, have out of our duty to God and love to his Kirk, being the nourishing father of the same on earth within our dominions, give power and Commission to (the names follow, of which Simon Lord Fraser of Lovat's is one), or any five of them, the Archbishop of St. Andrews being always one, to call before them at such times and places as they shall think meet, any person or persons dwelling and remaining within their provinces respectively above-written of St. Andrews or Glasgow, or within any diocese of the same, being offenders either in life or religion, who they hold anyway to be scandalous ; and that they take trial of the same. And if they find him guilty and impenitent, refusing to acknowledge their offence, they shall give command to the preacher of that parish where they dwell to proceed with sentence of excommunication against them ; which if it be protracted and their command by that minister be not presently obeyed, they shall convene any such minister before them and proceed in censuring of him for his disobedience either by suspension, deprivation, or warding, according as in their discretion they shall hold his obstinacy and refusal of their direction to have deserved, and further, to fine at their discretions, imprison, or ward, any such person who, being convicted before them, they shall find upon trial to have deserved any such punishment. And a warrant under the head of any five above-named of every province respectively above-written (the Archbishop of the province being one) shall serve for a sufficient command for the Captains and Constables of our wards and castles, and to all keepers of jails or prisons, either to burgh or land, within any part of the provinces respectively above-written, for receiving and detaining such persons as shall be unto them directed to be kept by them, in such form as by the said warrant shall be prescribed, as they will answer upon the contrary to their peril. And of all such fines as shall be imposed upon any offender the one half to pertain unto ourself, and the other half to be employed upon such necessary things as our said commissioners shall be forced unto by charging of parties and witnesses to compear before them ; and the surplus to be bestowed at the sight of the said Commissioners by distribution among the poor. Commanding the Lords of our Privy Council, upon sight

of any certificate subscribed by any five of the said Commissioners within every province as said is (the said Archbishop of the province being one) either of any fine imposed by them upon any party compearing and found guilty or of the contumacy and refusal of any to compear before them, that said Lords of our Privy Council direct a summary charge of horning upon ten days only ; and that no suspension or relaxation be granted, without first a testificate under the hand of the Archbishop of the province, containing the obedience and satisfaction of the party charged, be produced. And in case of farther disobedience or rebellion of the party who shall be charged for his fine or non-compearance, the said Lords of our Council are then to prosecute the most strict, as is usual against rebels for any other cause whatsomever. With power to our Commissioners to proceed herein ; as also to take trial of all persons that have made defection or otherwise are suspected in religion, and as they find any just cause against them to proceed in manner foresaid ; and also whensoever they shall earn or understand of any minister, preacher, or teacher of schools, colleges or universities, or of exhorting or lecturing readers within these bounds, whose speeches in public have been impertinent and against the established order of the Kirk, or against any of the conclusions of the by-past General Assemblies, or in favour of any of those who are banished, warded or confined for their contemptuous offences, which, being no matter of doctrine, and so much idle time spent without instruction of their auditory to their salvation, ought so much the more severely to be punished in regard that they are ministers, who, of all others, should least idle talk, and specially in the chair of verity. And, therefore, after the calling of them before the said Commissioners, they are to be questioned and tried upon the points of that which is laid against them, and punished according to the quality of their offence. And, whereas, complaint shall be made unto them by any party that shall be convened before any ecclesiastical judicature for any such crime as he shall be then suspected of, or that the party doth allege always the matter itself to be improper to that judicature, or the proceeding to have been informal, or that the judicature itself has been too partial, and where the Commissioners shall see any just cause, they are then to take trial and cognition thereof unto themselves, and to discharge the said judicature of all further proceedings."

Certain formal powers are then given as to the appointment of clerks and other officers of court, the use of a seal, the charging of witnesses, fines for non-attendance, and the publication of the document "to all our lieges, that none pretend ignorance thereof," concluding as follows:—

"Our will is herefore, and we charge you straightly and command

that, incontinent these our letters seen, ye pass to the said burghs within the provinces above-written and therein by open proclamation that ye make publication of the premises, that none pretend ignorance; and also that ye in our name and authority, command and charge all our lieges and subjects to reverence and obey our said Commissioners in all and everything tending to the execution of this our Commission, and do nothing to their hinder or prejudice, as they and each one of them will answer to us and Council upon their obedience at their highest charge and peril. To which to do, etc. Given under our Signet at Edinburgh, the 15th day of February, and of our reign the 47 years, 1610."

On the 13th of July, 1610, Lord Simon has a charter of Easter and Wester Aigas as great-grandchild of Hugh Lord Lovat, deceased. On the 6th of November the Lords of the Privy Council appoint Simon Lord Fraser of Lovat, along with Kenneth Lord Mackenzie of Kintail, and several other chiefs, Commissioners for preserving the peace in Inverness-shire and Cromarty, then including Ross, in terms of an Act passed by the Estates of Parliament at a meeting held at Edinburgh in June, 1609. On the 20th of June, 1611, Simon, his Lordship's eldest son by his second wife, received a charter of the barony of Kinkell-Fraser in implement of the marriage between Lord Simon and Lady Jean, daughter of James Stewart, Lord Doune, afterwards Earl of Moray—"Simon Fraser, filio legitimo natu maxima prefati n're consanguinei Symonis Domini Fraser de Lovet, inter ipsum et dictum Dominam Jeanem Stewart ipsius conjugem, legitimi procreat." On the 30th of July, 1611, he has a commission to him and Sir Roderick Mackenzie of Coigach, Tutor of Kintail, to convocate the lieges in arms for apprehending William Mac Hucheon, Mhic Cahile, a servant of John Munro of Lemlair, who remained unrelaxed from a horning for not giving caution to appear before the Justice on a charge of having at night stolen a grey mare and foal from Agnes Mac Wattie, widow of Donald Mac Mhurchaidh, tenant of the lands of Straskie under Duncan Bayne of Tulloch. On the 21st of November in the same year he is appointed a Commissioner along with the Tutor of Kintail, Ross of

Balnagowan, and three others, within the Sheriffdom of Inverness, for the trial of persons accused of resetting and sheltering the Clan Gregor. On the 18th of February, 1613, Simon Lord Fraser of Lovat, Robert Innes of that Ilk, Alexander Gordon of Cluny, and John Gordon of Buckie, receive a commission to convocate the lieges in arms and use all means and force for apprehending William Mackintosh of Borlum, Lachlan Mackintosh of Gask, and a great many others who had been denounced rebels for not having found caution to appear before the Justice for the slaughter of John Clerk, of Blackhills, and for divers other reifs, heirsships, fire-raising, and other crimes. In July 1614 Lord Fraser makes a protestation against Colin Campbell.

This year the Master of Lovat married Lady Isabel, daughter of Sir John Wemyss of that Ilk, and sister to the first Earl of Wemyss, and they lived at Beauly while the father resided chiefly at Lovat.

Early in the summer of 1616 Lord Lovat and his wife went south to meet the King who came to Edinburgh and held a Parliament there, of which his Lordship was a member. On this occasion his two sons by his second wife, Simon and James, were knighted by his Majesty at the Palace of Holyrood, Sir Simon, afterwards of Inverallochy, being in his nineteenth year, and Sir James, subsequently of Brea, being about seven. The latter was the King's godson, and he is said as such to have received a handsome sum of money from his Majesty during his visit to the Scottish Capital.

On their return home Sir Simon, the elder of the two sons, married Jean, daughter of Sir William Moncrieff of that Ilk, in the county of Perth, when he was infest in the estates of Inverallochy, recently bought by his Lordship, and Bunchrew was given to him as a residence in order that he might be within easy distance of his father.

On the 26th of July, 1616, Lord Simon, as great-grandchild of Hugh Lord Fraser of Lovat, deceased, has a charter of the manor of Philorth, and of the lands of Cairnbulg, Inneroth, and Inverallochy. The latter was

erected into a barony called the barony of Inverallochy, and given to his Lordship and Jean Stewart, his spouse, to Sir Simon their eldest son, and Jean Moncrieff his wife, whom failing, to Lord Simon's own nearest and lawful heirs-male whomsoever, bearing the arms and sirname of Fraser, and being Lords of Lovat, under date of 20th December in the same year.

The family historian says in this connection that "this Lord Lovat was highly instrumental in preserving a very good family of his name, the house of Philorth. Sir Alexander Fraser of Philorth falling low in his circumstances, his estate came to Forbes of Pitsligo, which Lord Lovat acquired from him. There is a charter under the Great Seal to Simon Lord Fraser of Lovat of the lands of Philorth, proceeding on the resignation of John Forbes of Pitsligo." The charter is in favour of Lord Simon and his heirs-male and assignees whatsoever, and is dated the 26th of July, 1616. He then re-conveyed the estate to the family of Philorth. On the 28th of August, 1616, a Commission of Justiciary is expedited under his Majesty's Signet in favour of Simon Lord Fraser of Lovat; Urquhart, Sheriff of Cromarty, and Sir Roderick Mackenzie, Tutor of Kintail, for the trial within the burgh of Inverness of resetters of traitors within the Sheriffdom of Inverness.

The Mackintoshes of Mackintosh held considerable possessions in the Aird down to 1616, which Lord Simon was naturally very anxious to get into his own hands. How these lands were originally acquired and finally lost is fully described by Mr Fraser-Mackintosh in numbers VIII. and IX. of his articles, "Old, Yet New," in the *Scottish Highlander*, of 26th April and 3rd May, 1894. With the view of securing the lands of Drumchardiny, Holme, and Cragach, his Lordship employed Hugh Fraser of Belladrum and Hugh Fraser of Culbokie, but they cleverly circumvented him and purchased these lands for themselves, much to Lord Simon's annoyance. In that year, however, he obtained a disposition of the barony lands of Ferintosh from Sir John Campbell of Calder.

By charter dated, the 1st of November, 1616, Lachlan Mackintosh of Dunachton, with consent of John Grant of Freuchie and James Grant of Ardnill, interdicting creditors, sold to Hugh Fraser of Belladrum, his heirs male and assignees whatsoever, all and whole the town and davoch lands of Holme and Rhindowie, the town and half davoch land of Cragach, with the ale house and ale house croft of the same, with fishings and grazings, together also with half of the Miln of Holme, half of the multures, sequels, and knaveships of the towns and lands of Drumchardiny, Holme, Rhindowie, and Cragach, lying within the barony of Drumchardiny and Beaufort and Sheriffdom of Inverness. James VI., at Edinburgh, on the 20th of December, 1616, ratifies the sale, and of new granted the above mentioned lands to the said Hugh Fraser of Belladrum, together with half the yair called Carriencoir, pertaining to the said lands of Holme and Cragach, and to the lands of Drumchardiny adjacent to them, with fishings of salmon and other white fish in the sea, and in pools of which the tenants and possessors of Holme and Cragach were formerly in use and possession, and incorporated all into the free barony of Holme.

On the 14th of November, 1616, Lachlan Mackintosh of Dunachton, with consent foresaid, sells to Hugh Fraser of Culbokie, his heirs male and assignees whomsoever, the town and lands of Drumchardiny extending to one and a half davoch land of old extent, with the ale house and ale house crofts of the same, with fishings and grazings, half of the Miln of Holme, half of the multures, sequels, and knaveship of the town and lands of Drumchardiny, Holme, Rhindowie, and Cragach in the barony of Drumchardiny and Beaufort, and Sheriffdom of Inverness. James VI., at Edinburgh, on the 20th of December, 1616, ratifies the sale, and of new granted these lands to the said Hugh Fraser of Culbokie in identically the same words as he had done on the same date the other lands named to Hugh Fraser of Belladrum. The value of these lands were about equal—Belladrum, in the Roll of 1644, being assessed at

£573 and Culbokie at £567, Scots. The hill lands and baronies of Holme (now Lentran) and of Drumchardiny incorporated out of the old barony of Drumchardiny as above in 1616, were not formally divided as late as 1790.

On the 20th of December, 1616, there is a charter under the Great Seal in favour of Simon Lord Fraser of Lovat and Dame Jean Stewart, his wife, and the longest liver of them, in life rent of the barony of Inverallochy, and to Simon Fraser their eldest son and to Jean Moncrieff his spouse and the longest liver of them, in conjunct fee, and to the heirs-male lawfully procreated or to be procreated by them, whom failing to James Fraser, lawful son of the said Simon Lord Fraser of Lovat, procreated between him and Lady Jean Stewart, his wife, and the heirs-male to be procreated of his body, whom failing to the said Simon Lord Fraser of Lovat and his nearest and lawful heirs-male whatsoever, bearing the sirname of Fraser and Lords of Lovat for the time being, and their assignees whatsoever. The charter proceeded on the resignation of his Lordship and Sir Alexander Fraser of Fraserburgh, George Ogilvy of Cairnusg, and Thomas Giffard of Sheriffball, and it contains a Novadamus and an erection into a barony to be called the barony of Inverallochy.

Soon after his return from Edinburgh, Lord Simon proceeded to Inverallochy to settle the affairs of his son, Sir Simon, and to fit and furnish the house for the reception of himself and his wife, who went to reside there. The young couple did not, however, remain more than two years at Inverallochy, when they returned to their friends in Inverness-shire. Here they lived sometimes at Bunchrew, but generally at Lovat along with his Lordship, and frequently at Beauly with the Master of Lovat and his lady. And as a rule, the three families—Lord Simon's, the Master's, and Sir Simon's—lived together in the greatest harmony.

In 1618 the Earl of Enzie came to Inverness with a strong force to put down a rising of the Clan Chattan, the Grants, and the Mackenzies, and for this purpose marched

towards Culloden to enforce a decree which he had obtained against Sir Lachlan Mackintosh for the value of the tithes of Culloden, of which the Earl was the superior. When he arrived within sight of the house the Earl sent Sir Robert Gordon to Duncan Mackintosh, who commanded there, requesting him to surrender. To this message Duncan replied that he would defend the castle, which had been committed to his charge. Sir Robert on his return urged the Earl to send Lord Lovat, who had some influence with Duncan Mackintosh, to prevail on him to surrender the castle. At the request of the Earl, Lord Simon proceeded to Culloden House, accompanied by Sir Robert Gordon and George Munro of Milltown, and after some discussion Duncan agreed to surrender at discretion. The Earl was so pleased with the conduct of Mackintosh that he sent back the keys to him, and as the Clan Chattan, the Grants, or the Mackenzies did not appear to oppose him he disbanded his forces and returned home to the Bog of Gight.

In the same year Lord Seaforth, on his way to visit his Kintail tenantry, resolved to have a great hunt in the forest of Monar, and he invited and prevailed upon his friends, the Master of Lovat, Captain Thomas Fraser, his brother, Hugh Fraser of Struy, Hugh Fraser of Culbokie, Hugh Fraser of Belladrum, Alexander Fraser of Moniack, and Thomas Fraser of Eskadale, to accompany him and take part in the hunt. And, according to a MS. of the period, he had also with him "the flower of all the youth in our own country and a hundred pretty fellows more. We travelled," the writer continues, "through Strathglass and Glenstrathfarrar to Loch Monar. The Tutor pitched his tent on the north side of the river, and Struy his tent upon the south side. Next day we got sight of six or eight hundred deer, and had sport of hunting fitter for kings than for country gentlemen. The four days we tarried there, what is it that could cheer and renovate men's spirits but was gone about?—jumping, archery, shooting, throwing the cabar, the stone, and all manner

of manly exercises imaginable. And for entertainment our baggage was well furnished with beef, mutton, fowls, fishes, fat venison, a very princely camp, and all manner of liquors. The fifth day we convoyed Seaforth over the mountains, in sight of Kintail, and returned with the Master of Lovat—a very pretty train of gallant gentlemen. Masters Hill and Man, two Englishmen who were in company, declared that, in all their travels they never had such brave diversion, and if they should relate it in England, it would be received as mere rant and incredible."

On the 3rd of July, 1618, Simon Lord Lovat found caution in 3000 merks for George Frissell in Jedburgh to appear before the Commissioners for the Middle Shires when summoned. On the 16th of the same month the Privy Council being informed "that a number of the vagabonds and broken men of the Clan Donachaidh and other clans in the Highlands of this realm have of late amassed themselves together, and in troops and companies are going about the country, sorning and oppressing all his Majesty's good subjects in all parts where they may be masters and commanders, and in special a number of them have come and remained this long time bygone, as they do yet, within the bounds pertaining to Simon Lord Fraser of Lovat, where they not only have committed slaughter upon some of his Majesty's good subjects who never offended them, but with that they oppress the whole inhabitants within the said bounds, committing a number of insolencies upon them unworthy to be heard of in a country subject to law and justice, highly to the contempt of our Sovereign Lord and to the great hurt of his Majesty's good subjects dwelling within the said bounds. Therefore the Lords of Secret Council ordain letters to be directed to command and charge all vagabonds and broken men remaining upon and within the bounds, 'rowmies,' and possessions pertaining to the said Simon Lord Fraser of Lovat, by open proclamation at the Market Cross of Inverness and other places needful, that they, and every one of them, within the space of six days after the publication thereof at the

said Market Cross, retire and withdraw themselves furth of the said Lord Lovat's bounds, and nowise to resort nor repair within the same in an unlawful manner to sorne, trouble, and oppress any of the inhabitants within the same, certifying them that shall fail to do the contrary, the said six days being byepast, that they shall be taken, apprehended, and presented to his Majesty's Justice to be punished for their demerits, conform to the laws of the realm." For this purpose full commission is given to the said Simon Lord Fraser of Lovat, and Thomas Fraser of Struy. They are to present the vagabonds either to the Sheriff of the shire, or to the Justice in the Tolbooth of Edinburgh, and the usual immunities are granted to them in full form.

On the same day he has a commission with full powers under the Signet, along with John Cuthbert of Castlehill, Provost of Inverness, and others to apprehend James Scott, a tailor in Elgin, who is at the horn on a charge of murdering Walter, son of Thomas Purs, an indweller in the College of Elgin.

On the 1st of June, 1619, Simon states before the Privy Council that he is the possessor of the lands and barony of Fowlis, "with the castle, tower, and fortalice thereof," and complains that of late Robert Munro, sometime of Fowlis, ungrateful for many favours granted him by pursuer, has endeavoured to molest him in his said possession. On the 30th of March last, Munro went with a number of armed accomplices, insolent persons, all of his own humour and disposition, to the said castle, entered by force, broke up all the gates with forehammers and "gavelokis," and other instruments fit for brashing and breaking up of houses, and took possession of the said castle. He and his friends had it fortified, and intended to keep it as a place of war and a refuge for all broken men and rebels. His Lordship appeared by his advocate, and Fowlis not appearing, and no information having been received by the Council that the said tower was delivered up, their Lordships ordered an officer of arms to pass and demand surrender of the

same to Lord Simon within six hours, and if Munro refuses he is to denounce him a rebel.

In 1620 Lord Simon sold the lands of Muirtown, near Inverness, to Thomas Shivez for 2000 merks Scots. About the same time he sold to Macleod of Dunvegan for a few thousand merks all his rights in Glenelg, mortgaged the lands of Kinmylies, Fanellan, and Kingillie to Fraser of Strichen and Knockie, and Phopachy to Hugh Fraser of Culbokie. It has been suggested that probably these extensive sales and mortgages were carried out in order to raise money to meet the cost of a new residence his Lordship was at the time erecting. In 1620 he built the Castle of Dalcross, in Petty, where he afterwards chiefly resided, and "there can to this day be found here and there traces of that highway known to the old Gaelic-speaking natives as 'Lovat's Great Road,' made by him, in a straight line, from Dalcross Castle to his hunting seat of Achnabat in Stratherrick"—a great part of the intervening lands being then his own.

The lands on which Dalcross Castle was built had for a long time been in possession of the Frasers, but previously they formed part of the Mackintosh estates. Soon after the castle was built Lord Simon gave it as a marriage portion to his third son, Sir James Fraser of Brea, who in turn bestowed it as a marriage portion upon Major George Bateman, who married his daughter Jean. This gentleman subsequently sold it to James Roy Dunbar, one of the Bailies of Inverness, who, in 1702, sold it to Lachlan Mackintosh, Younger of Mackintosh, whose father, Lachlan Mackintosh, XIX. of Mackintosh, died in it in 1704, and whose descendants now possess it.

His Lordship had also a house in Inverness, on the site of the present Town Hall, in which he often took up his quarters. A number of noble families lived in Inverness and its vicinity at that period, and Simon divided his residence between the Capital, and Beaufort and Dalcross castles, as suited his inclination. The Marquis of Huntly occupied the Castle of Inverness, Grant of Grant resided

in Bridge Street, Mackintosh of Mackintosh also lived in the town, and the Earl of Moray occupied Castle Stuart a few miles to the east of it. Fraser of Strichen lived at Kinmylies, and Lord Seaforth at Chanonry, while several noblemen and gentlemen lived within a short distance of Inverness. Considerable gaiety prevailed among these families. Between them a continual interchange of civilities took place, and annual meetings were held by them at which horse-racing at Tomnahurich for a cup and silver spurs as the leading prizes were keenly competed for and formed the chief amusements amongst them.

In 1621, Lord Simon, his wife, Sir Simon of Inverallochy and his wife, were all residing at Castle Stuart, in Petty, when Sir Simon suddenly became so dangerously ill that he could not be conveyed to Lovat, but after a short time he was taken to Dalcross, where he was confined to a sick chamber, under the care of a physician, from September until March, 1622, when he died "as universally lamented in death as he was in life universally beloved." His mother received such a severe shock by his decease that it hastened her own end, which took place in the following June.

It was intended to bury Sir Simon with his ancestors in Beauly Priory, but the River Ness suddenly rose in a great flood to such a height, the bridge being down at the time, that it was impossible to transport the great multitude of horse and foot, that accompanied the remains, with safety across it. It was decided to inter the body in Inverness, and Lord Simon having received permission from the Cummings to use their burying-place in the town, Sir Simon was interred in their aisle, called St. Catharine's, in the Rood Church, where a stately monument was erected to his memory. His mother, on her death, a few weeks after, was buried "with great funeral pomp" in the same place, beside her son, at her own earnest and dying wish.

Lord Simon, by virtue of an apprising, in 1625, against Munro of Fowlis, became superior of Achnagairn, which was subsequently conveyed to the family of Fowlis.

In 1626, Sir Alexander Fraser of Durris, having lost his wife, came on a visit to Lord Lovat, and died in May of that year while his Lordship's guest. He was buried in Lord Lovat's own place of burial, St. Catherine's aisle, in the Priory of Beauly.

In 1628, Simon Lord Lovat bound himself to the Sheriff of Nairn, along with a cautioner, to appear before the Justices "to underly the law" on a charge of murder, under a heavy penalty. Who the victim was does not appear, but his Lordship did not attend on the appointed day, and although the case was brought under the notice of the Court of Session, he escaped, for, through some informality in the deed of caution, he was not tried for the crime at all, and he was formally relieved of any charges made against him in connection with it. On the 9th of July, 1629, he expedes a general service as heir of Thomas Lord Fraser of Lovat, his great-great-grandfather.

When only four years old, during the lifetime of his father, the Prior of Beauly, with consent of the Chapter, on the 13th of October, 1576, granted a tack of the vicarage tithes of the parish of Convinth to Simon Master of Lovat, son and apparent heir to Hugh Lord Lovat.

He was served heir in special to his father, on the 20th of June, 1578, in the lands of Beaufort. On the 10th of October, 1586, he has a charter of Kinmylies, near Inverness, and on the 29th of August, 1592, of the barony of Beauly, in both cases as the great-grandchild of Hugh, fifth Lord Lovat, deceased.

Lord Simon is said to have possessed many excellent and amiable qualities of head and heart, yet he has not escaped censure for an unbounded hospitality, which delapidated his estate. He entertained sumptuously. The expenditure of his family was seven bolls of malt, seven bolls of meal, and one of flour, per week; seventy cows in the year, besides venison, fish, poultry, kid, lamb, and veal, and all sorts of feathered game in profusion. His wines were imported from France, as were his sugars and spiceries, in return for salmon produced in his rivers.

The author of the family manuscript in the Advocates' Library says, that "this nobleman has been represented in very different lights, for while he was generally surnamed Simon 'Mor,' or the Great, others called him 'Shim Gorach,' *i.e.*, Simon the Fool. He surely had several laudable qualities. He was one of the best of landlords or masters. He never would remove a tenant that paid his rents, for any grassum or bribe. He could never be prevailed upon to set a price upon the river of Beauly, or to give a tack for a liquidate value on the fishing of it, for he said that fishing was a casual, a contingent thing depending upon a special Providence, and that the over-rating a thing so casual might provoke God to blast the common blessings. For the same reason he would not set any of his orchards in tack, though he had several of them, and a prodigious quantity of fruit in them. From the orchard of Beauly alone he had usually six chalders of good fruit, apples, and pears. He had another excellent quality, that he could not endure to hear an absent person run down by any present. It was a maxim of his that as receipts made thieves, so a credulous receiver made the liar. This noble Lord excelled in hospitality, and was generous, liberal, and charitable—his house was an open harbour for good men, and his heart was no less open to entertain and receive them. The door of his house was seldom shut, and yet such regularity was observed that none was ever seen drunk at his table. But notwithstanding these and many other valuable qualities, he was censured by many for refusing the honour of the Earldom of Atholl. He was much blamed for his extravagant housekeeping, and much more for the extravagant provision he made for the children of the second marriage, having given Inverallochy between 9000 and 10,000 merks a year, besides what his brother Brea got. He was likewise censured for mortgaging so great a part of his estate. This was the consequence of his extravagancy, and if he did mortgage his lands it was to his kinsmen, whom he valued and esteemed above all the world, and by giving them land he enabled them to live

in a more plentiful way than they could do upon a tack, and kept the money among them; and it was a way to make them frugal and industrious and flourishing. And lastly, he was reflected on for marrying so far below him as his third match was. But would he not be blamed with greater justice had he matched so as to bring new encumbrances on the estate. He was but 53 years of age when he married Kilravock's daughter, the Lady Moyness. He might have married a young lady who would have many children to be provided for, and be provided to a large jointure besides, and yet she might slight and despise him in his old age, whereas the lady he married was modest, virtuous, affable, loved him, his children, and friends, and gave him all the satisfaction that he could expect during the ten years they lived together." She survived him twenty-five years, having died in 1658.

Lord Simon, on the 24th of December, 1589, when quite young, married first, Catherine, eldest daughter of Colin Càm Mackenzie, XI. of Kintail, sister of Kenneth first Lord Mackenzie of Kintail, of Sir Roderick Mackenzie of Coigeach, of Alexander Mackenzie, I. of Kilcoy, and of Alexander Mackenzie of Kernsary. Her sister Janet, married Hector Og Maclean of Duart, and her sister Mary married as his second wife, Sir Donald Gorm Mor Macdonald, VII. of Sleat. By Catherine Mackenzie of Kintail, Lord Simon had issue—

1. Hugh, his heir and successor.
2. Elizabeth, who, born in 1592, married in July, 1618, John Dunbar of Cumnock and Westfield, hereditary Sheriff of Moray.

Lady Lovat died in December, 1593, and was buried with great pomp on the north side of the great altar within the Priory of Beauly.

His Lordship married secondly, in March, 1596, Jean Stewart, daughter of James Lord Doune, afterwards known as "The Bonnie Earl of Moray," at Falkland, in presence of the King and Queen and the principal gentlemen of the Frasers, with issue—

3. Sir Simon Fraser of Inverallochy, of whom and his descendants in their proper place.

4. Sir James Fraser of Brea, of whose family in their order.

5. Anne, so named after Queen Anne. She died young.

6. Margaret, who married first as his second wife, Sir Robert Arbuthnot, who died on the 15th of March, 1633, with issue. She married secondly Sir James Haldane of Gleneagles, with issue.

7. Jean, who died in childhood.

His Lordship's second wife died at Bunchrew in June, 1622, and he married thirdly, Dame Katherine, second daughter of William Rose, XI. of Kilravock, and widow of James Grant of Ardneillie, brother of John Grant of Freuchie, with issue. She died on the 19th of September, 1658, aged 77 years.*

Lord Simon died at Bunchrew of the 3rd of April, 1633, and Mr Anderson says that he was interred in the family burying-ground in the Priory of Beauly. The author of the Advocates' Library MS., however, says that Lord Simon was the first of the family who was buried at Kirkhill, in the chapel to the east of the church at that place. His funeral obsequies "were performed with the greatest pomp and solemnity, for as the weather was favourable and the season of the year inviting to the neighbouring clans they did convene in such numbers as were never seen at a burial before in the country. It was computed that there were upwards of 5000 men, horse and foot, under arms, conveying the body from Bunchrew to Kirkhill—700 Grants, 600 Mackintoshes, 900 Mackenzies, 1000 Rosses and Roses, with Balnagowan and Kilravock; Munros, Camerons and Macdonalds, 1000 men; and 1000 Frasers. His funeral sermon was preached by Mr William Fraser, minister of Kilmorack, Mr John Houstown, the minister of the parish having absolutely declined it. The pertinent text he preached upon was the words of Huldah the prophetess to King Josiah, Second Kings, 22, 20—'Behold therefore

* *Kilravock Papers*, p. 84.

will I gather thee to thy fathers, and thou shalt be gathered to thy grave in peace, and thine eyes shall not see all the evil which I shall bring upon this place ;' and as the text so the sermon was a real prophecy as well as a preaching. The Laird of Grant took the minister in his arms at the church door, and turning to Lord Lovat said how vain he would be of such a kinsman. Dr Johnston, our Scots poet, makes him a very great though expressive compliment in the following distich—

Natus Hyperboreis inter Fraserius heros
Espinis docuit surgere posse Rosam."

At the moment of lowering the coffin into the grave the horizon was illuminated by the flames of his Lordship's corn-yards of Dalcross, which had been set fire to by Lord Lewis Gordon.

He was succeeded in the title and estates by his only son by his first wife,

XIV. HUGH, NINTH LORD FRASER,

Who was born in September, 1591, and served in special to his father at Inverness, in the lands and barony of Lovat on the 10th of May, 1633, when in addition to the leading men of the clan and other country gentlemen, the Earls of Moray, Wemyss, and Seaforth, Grant of Grant, Munro of Fowlis, and Rose of Kilravock were present, and on the 19th of May, 1635, he expedite a special service as heir to his father, Lord Simon, in the lands of Ardnagrask and others. Shortly after his father's death he went with his family, who were already numerous, to Stratherrick, and resided for about a year at Garth. He then removed to Dalcross, where he remained until the autumn of 1635, when he returned to Lovat to attend the wedding of his daughter Mary, who, in that year, at the age of eighteen, married David Ross of Balnagowan. In 1636 his Lordship received a severe shock by the death of his wife, in the 48th year of her age, from which he never fully recovered. They had been married for twenty-two years, but were

Lord and Lady Lovat for only three, having had issue, nine children—six sons and three daughters. She was buried in the Church of Kirkhill, which her Lord had completed since his father's death in 1633.

He now gave up all interest in his estates and all other public affairs and sank into a deep melancholy, which continued until his death. During this period of his life he observed two stated Fast days a week, Wednesday, the day on which his wife died, and Saturday. On these special days he would see no one until far on in the evening. He also set apart a day in each week for the distribution of alms to the poor. The consequence of his Lordship's melancholy and practical retirement from all business affairs was that the management of the family estates fell upon Simon, Master of Lovat, at a very early age. At the date of his mother's death he was prosecuting his studies at the University of Aberdeen, and subsequently he spent a session at St. Leonard's College, St. Andrews. Having completed his education at the latter University, he, when only seventeen years old, took up the management of his father's extensive possessions, in which, being "a youth of the most promising hopes," he acquitted himself to the admiration of all who knew him, and discharged the trust put upon him "with as much prudence and solid judgment as he could have done at forty years of age." In 1638, Simon, Master of Lovat, with consent of his father, Hugh Lord Lovat, sold the lands of Muirtown, in the vicinity of Inverness, to Thomas Cheviz for two thousand merks, and granted him a charter of these lands, bounded by the sea, "cum piscariis lie yairs."

On the 14th of May, 1639, several heads of Highland families met, under the Earl of Seaforth, at Elgin, having between them a force of 4000 men, in favour of the Covenant. Among these were the Master of Lovat, the Master of Reay, George, brother of the Earl of Sutherland, Sir George Sinclair of Murkle, the Laird of Grant, Rose, Younger of Kilravock, the Sheriff of Moray, the Laird of Innes, the Tutor of Duffus, Hugh Rose of Achnacloich,

and John Munro of Lemlair. They encamped at Speyside, where they remained until the pacification, signed on the 18th of June, was intimated to them on the 22nd of that month.*

In the same month a general meeting of the nobility, gentry, and clergy had been held at Aberdeen to concert measures for the public peace of the nation, and to sound the minds of the Lords and heads of clans in the North as to their views regarding the National Covenant. The Master of Lovat attended, accompanied by a retinue of fifty well-mounted horsemen. There were several Commissioners from the Privy Council present, among them the Marquis of Montrose, who was heard to say in course of conversation that of all the great men at the meeting, no one seemed to have a clearer view, or to have spoken with more solid judgment concerning the state of the nation, than the Master of Lovat, then a young man in his nineteenth year. But all the great expectations and promising hopes raised regarding him were nipped in the bud by his untimely death under the following circumstances.

John Earl of Sutherland, in 1638, married Lord Hugh's second daughter, Anne, and on the Master's return from Aberdeen he made a tour to the Counties of Ross and Sutherland to visit his sisters, the one at Balnagowan, and the other at Dunrobin. On his return home in the beginning of winter, he fell into a rapid consumption and in the following spring, on the 20th of March, 1640, died in spite of the art and skill of the most eminent physicians north and south who attended him. During the last few months of his illness, one or other of the ministers of the three adjoining parishes attended him constantly in the sick room. "To show that early piety and true greatness are very consistent," says the family chronicler, "and that both met in an eminent degree in this noble youth, I must beg leave to set down his advice to his father and brothers a little before his death, as I transcribed it from the writing of one of the ministers who were present. Finding his

* *History of the Mackenzies*, second edition, p. 249.

dissolution approaching, this pious youth called for his father, and after saying many solid and pertinent things upon the public state of affairs at that time he thus addressed his father"—

" My Lord, I have endeavoured to be a dutiful child, but the purest gold has its dross, and the very saints their lees of corruption, the best of men are but men at best. I had my failings and weaknesses, and I crave your Lordship's pardon and blessing, and I give you mine ; God bless you and your family, My Lord. You will certainly survive some of your children and live to see sad and dismal days. Keep good government in your family, and let your children feel your authority, and let them only serve you who truly serve God. You have but these four boys. Pray father, keep them from taking loose reins with the stream of the times. As for myself, I laboured to be a pattern and example to them. You have punished all vice and wickedness in the country with rigour ; suffer none unpunished at home. You have been a terror to evil-doers, and as great a scourge to wickedness as perhaps has been in the Kingdom. God keep you from partiality in your old days. My Lord, you are not shapen for business, you have given over all secular concerns, and retired from this world to prepare for a better. The whole affairs of your family must be devolved upon your brother, Sir James. He is indeed a stirring, active man, but too ambitious and selfish. Tutors have been the doing and undoing of families. The Tutors of Lovat have always hitherto done much service both to the estate and to themselves. Tutors and second marriages have proved fatal to great families. I pray God may disappoint my fears."

The dying youth then turned to his eldest brother and thus addressed him—

" Hugh, Hugh, as you have been too much indulged by your parents you have often taken too great a latitude to yourself. You have had the advantage of precepts and examples, but you had no management of yourself. You were impatient of reproof ; you have crossed my inclinations and despised my instructions, but the prudent gardener takes as much pains upon the unfruitful tree as upon that which brings forth fruit. You lived in a family where piety and holiness were not only professed but practised. Many a night have you spent in revelling and gaming, when I was watching that God might avert impending judgments both felt and feared for the family. Brother, you are shortly to be advanced to a place of title and dignity you could never expect but by my death. I know you will not enjoy it long. I pray you to prepare to die young. Then your three brothers will be left to Sir James' sole management, who will

act without control, but he will soon run himself out of breath, and the only thing I am afraid of in you is your intemperance, which will soon cut you off. Had God allowed me days, I intended to reform my clan and country, but the will of the Lord be done."

The Master then called in his three younger brothers and spoke to each of them according to their respective capacities. He afterwards exhorted the servants, addressed the ministers, died, as already stated, on Saturday, the 20th of March, 1640, and was interred soon after with due ceremony and solemnity in the Church of Kirkhill.

On the 26th of July, 1640, Hugh, his Lordship's second and now eldest surviving son, was served heir in special to his deceased elder brother, Alexander. In November following he was sent for his education to the University of St. Andrews, so as to be under the eye of his uncle, the Earl of Wemyss, and Lord Lovat's melancholy having greatly increased, in consequence of the death of his eldest son, he devolved the management of his estates on his only surviving brother, Sir James Fraser of Brea, who, in 1637, married Beatrix, daughter of Wemyss of Fairkey, and brought his lady to the north. He resided with his brother at Lovat, where, along with his children they lived as one family until Lord Lovat's death.

In July 1641, the General Assembly of the Church, to which the Earl of Wemyss was the King's Commissioner, met at St. Andrews, where they sat for one day and then adjourned to Edinburgh. The Earl took his nephew, the Master of Lovat, then at the University of St. Andrews, along with him to the Scottish Capital, where he made the acquaintance of Lady Anne, daughter of General Alexander Leslie, Earl of Leven, to whom he was married in the following year, much against the wishes of his friends, his father Lord Lovat being so strongly against the match that it brought about a rupture between him and his brother, Sir James, whom he suspected of being favourable to the marriage, and he afterwards sent Sir James south, accompanied by Hugh Fraser of Struy, to persuade the Master, if possible, to break it off, but without avail. The

contract of marriage had already been settled and signed. The Earl of Leven, the lady's father, undertook to give his daughter a tocher of 50,000 merks Scots, and Sir James became bound, in case his wife should survive the Master, to pay her 10,000 merks yearly of jointure, at Leith, and to infest her in the baronies of Dalcross and Kinmylies. The marriage was afterwards duly solemnised with great splendour in the Palace of Holyrood, on the 30th of April, 1642. The young couple remained in Edinburgh during the months of May and June, and in the beginning of July they set out for the Highlands, accompanied by a noble and imposing retinue, which included the Earls of Wemyss and Leven, Lords Balgouny, Ruthven, Sinclair, and others, who attended them all the way to Lovat. Passing through Moray, they were joined by all the name of Fraser then numerous in that county, who accompanied the party to Inverness. Here they were entertained "in a grand manner by Provost Forbes and the Magistrates, who had several covered tables with a variety of wines at the Cross, and the trained bands of the town were drawn up in a line on each side to keep off the rabble. Having thus entertained them on the streets and then in the Tavern, the Magistrates conveyed them to the Green of Muirtown, where 400 young gentlemen in full arms were ready to conduct their chief and his retinue to Lovat. They got an elegant entertainment at Bunchrew from Inverallochy, and marched thence to Lovat, where they arrived in health and spirits, and Lord Lovat himself, with twenty grave gentlemen of his name, received them. Nothing could exceed the grandeur and magnificence with which they were entertained here. The south country noblemen admired the orchards of Lovat and Beauly, the fishing of the river, the plenitude of the game, and the variety of fruits of every kind in season. They imagined they were to come to wild rocks and deserts, but instead of that they had come to Canaan." The Earl of Sutherland, Ross of Balnagowan, and Munro of Fowlis came to meet the young couple on their arrival at Lovat and remained until

the south country Lords had taken their departure south.

At this time Simon Fraser of Inverallochy resided at Bunchrew, Thomas Fraser of Strichen at Moniack, and William Fraser of Culbokie at Drumchree. These and the other leading gentlemen of the clan who resided farther away, were on the most intimate terms with the head of the house and lived in the most perfect harmony with his Lordship's family and with one another. Thomas Fraser, Younger of Strichen, and his wife, Christian, daughter of John Forbes of Pitsligo, paid a visit to his father, and other friends in the Lovat country at this period, by whom they were heartily welcomed and entertained.

In September 1642, the Master went to Stratherrick in order "that his Lady might get the diversion of hunting in the forest of Killin." He took his uncle, Sir James Fraser of Brea, young Strichen, Inverallochy, Culbokie, Struy, and Major Hugh Fraser, brother of Culbokie, who had recently returned home after a distinguished career in the Swedish army, along with him. On their way they were met at Dores by two hundred Stratherrick and Aber-tarff men in arms, who conducted them to Farraline, where they lodged the first night they were in the country. Next day they proceeded to Killin, where, the weather being favourable, they remained enjoying themselves until "they were quite cloyed with hunting." They then went to Lord Lovat's house at Garthmore, stayed there for some time, and subsequently returned to Lovat.

Towards the end of October, the Earl of Leven, his father-in-law, sent an express north requesting young Fraser and his wife to proceed at once to Edinburgh, as the Earl, who had himself been suddenly called to London by the King, had procured a Lieutenant-Colonel's commission for him. The Master and his Lady set out on this journey early in November, accompanied by Inverallochy and young Fraser of Strichen, and in due time arrived in Edinburgh, where he spent the winter, which, according to the family chronicler, "proved fatal to him, for, being of a sweet, easy, and pliable temper, and too much addicted

to his company and bottle, to humour a set of rakish officers who were at Edinburgh, he broke his constitution and he fell in a fever of which he died in May, 1643, having been married only a year, and leaving an only child, Hugh, who ultimately succeeded to the title and estates of the family." The same somewhat pardonably partial authority says that he was truly an excellent youth, endowed with lively and sprightly parts, great goodness and signal valour. "He had a quarrel in Edinburgh in the spring in which he died with Major Hume, a Swedish officer, which ended in a duel in which the Master of Lovat got the better" of his antagonist. A reconciliation followed, and they became fast friends. The Major was heard at his funeral to say, with tears in his eyes, that "had that noble youth been spared to arrive at a sphere to display his martial spirit he would be one of the greatest ornaments of his country." He was interred in Holyrood Abbey, where all the Frasers of note came to do honour to his obsequies, the leading gentlemen among those who attended being Sir James Fraser of Brea, Thomas Fraser of Eskdale, Hugh, Younger of Culbokie, Hugh Fraser, Younger of Belladrum, Alexander Fraser of Philorth, Lord Fraser of Muchal, and Hugh Fraser of Tyrie.

On the death thus of his second son, Lord Lovat resigned himself wholly to grief and melancholy. His two sons-in-law, the Earl of Sutherland and David Ross of Balnagowan, came to visit him at Lovat and prevailed upon him to accompany them, first to Balnagowan and next to Dunrobin, with the view of raising his spirits, and while he was at Dunrobin, Sir John Sinclair of Dunbeath married Catherine, his Lordship's youngest daughter.

Here it is necessary to go back a little in the chronology of events in order to gather up a few of the details that led up to the wars of Montrose, in which the Frasers, now managed and led by Sir James Fraser of Brea, became involved and fought for the Covenant against the Marquis.

In 1638, the Earl of Sutherland, Lord Lovat, Lord Reay, and Lord John Sinclair, with Ross of Balnagowan, were

appointed Commissioners in the North to see that the Confession of Faith and Covenant were subscribed by all parties. They came to Inverness upon the 25th of April, and convened the whole town, when, with few exceptions, all subscribed, and in Forres and Elgin the same was done on the two following days. Caithness, Sutherland, Ross, Cromarty, and Nairn also for the most part subscribed, through the diligence of these five Commissioners.

In 1639, the Marquis of Huntly, a determined opponent of the Covenant, sent William Gordon of Knokespeck, with provisions and ammunition and a number of men to garrison the Castle of Inverness for the King. On learning this, Thomas Fraser, Younger of Strichen, Sir James Fraser of Brea, and Alexander Mackenzie of Kilcoy met, on the 7th of February, at Inverness, where they held a consultation with the Magistrates. They then gathered together, intercepted Gordon, denied him admittance to the Castle, and seized his arms and ammunition, telling him that—"the Castle of Inverness belonged neither to the Marquis of Huntly nor to the King, but was built for the defence of the country." At the same time there was a guard of fifty men set nightly to keep the stronghold, furnished by the Frasers, Rosses, Munros, Mackenzies, and the town of Inverness, night about; "and they brake up the gates, doors, and windows of that stately Castle, spoiled the pleasant plenishing, and rich library of books, and brought all to nought within that house, inferior to none in the Kingdom for decoremnt." The Frasers were zealous Covenanters. Two months afterwards, on the 9th of April, 1639, Simon Master of Lovat, the Earl of Seaforth, and Innes of Innes, with about 300 well-horsed gentlemen, went to salute the Covenanting army under Montrose, then lying at Aberdeen. "They were made welcome, and stayed till the 13th of April, syne got leave and returned home, without more employment." In May following, Montrose was again at Aberdeen at the head of the Covenanters, having entered it on the 25th. About 4000 horse and foot, under the Earl of Seaforth, the Masters of Lovat

and Reay, and the Sheriff of Murray, were upon their journey to join him; but they were interrupted by the Gordons and their allies, who gathered a company of horse and foot, rode across the Spey, and set their men in order of battle. The Earl of Seaforth and the Master of Lovat hearing of this followed their example, and resolved to meet them. When within two miles of each other "some peaceable men of both sides settled the matter," and it was agreed that both parties should return home, and disband their forces.

In 1644, the disputes between the King and Parliament affected even the most distant quarters of the Highlands, which were destined to become the field of the victories of the great Montrose. For the reinforcement of the Scottish Army in England, the Convention of Estates ordered a levy in the northern parts of the kingdom. The total number required amounted to 6700 foot and 420 horse, and of this force not less than 1000 foot and 120 horse were to be levied from the Earldom of Seaforth and Lord Lovat's division of Inverness-shire.

Sir James Fraser of Brea, a staunch adherent of the Covenant, plunged his clan into the quarrel. The Castle of Inverness was garrisoned for that party by two regiments; the town was surrounded with a ditch, rampart, and pallisades, for which were cut down all the elegant trees which adorned the Castle, the Greyfriar's Churchyard, and the Chapel-yard; and a strong gate was placed at the head of Castle Street. The gentlemen in the country imitated the military in the town, and turned their houses into places of defence.

William Fraser, then of Culbokie, "built a fort of carse feal on the Carse of Kingillie." His brother, Major Hugh Fraser, who two years before came home from the Swedish army, drew the plan and saw it executed. Lovat was also fortified with a deep ditch, an earthern rampart was erected within this, and a strong garrison placed in the Castle under the command of Alexander Fraser of Phoineas. His Lordship's house at Beauly was also fortified and had a garrison

placed in it, the command of which was given to John Fraser of Clunavacky. At the same time the inhabitants of Inverness were ordered to convene in their best weapons, for a muster and wapinschaw, to oppose the "Irish rebels," eighty of the most "resolute and best framed muscateurs" being despatched from the burgh to the heights of Stratherrick.

Early in July 1644, Alexander Macdonald, son of Colla Ciotach, landed on the west of Scotland with a body of 1500 Irish troops sent by the Earl of Antrim, at the head of whom he advanced through the Highlands with a view to join Montrose, who was at the time wandering among the hills of Tullibardine, near the Tay. Montrose, on hearing of Macdonald's arrival, sent him instructions to march into Atholl; but in passing through Badenoch the Irish leader was threatened with an attack by the Earls of Sutherland and Seaforth, at the head of some of their followers, and by the Frasers, Grants, Rosses, and Munros, who had assembled at the top of Strathspey, but he cautiously avoided them and hastened into Atholl. Here he was coldly received by the natives, till he was joined by Montrose, when the great Marquis found himself at the head of more than 2000 men. Shortly afterwards the battle of Tippermuir and the capture of Perth took place, but it is not certain that the Frasers were present with the army of the Covenanters on these occasions.

On the 4th of September the Marquis of Argyll, who had been pursuing the Irish under Alexander Macdonald, arrived with his men at Stirling, where he was joined by the Earl of Lothian at the head of his regiment, and on the 10th marched to Perth, where he received a considerable addition to his force, now consisting of some 3000 foot, two regular country regiments, and ten troops of horse. Argyll left Perth for the north on the 14th of September, and on his route was joined by the Earl Marischal, Lord Fraser of Muchal, and other Covenanters. He arrived at Aberdeen on the 19th, and was now within half a day's journey of the enemy. After spending three days in inglorious

inactivity, Argyll moved in the direction of Kintore. Montrose, hearing of his approach, attempted to cross the Spey, but was prevented by a large armed force from the country to the north of that river, and he marched to the forest of Abernethy. On the 24th Argyll mustered his followers, which now numbered about 4000 men, at the Bog of Gight, but although the army under Montrose did not exceed a third of that number and was within twenty miles of him, he did not venture to attack them. Argyll soon after proceeded to Forres to attend a Committee of Covenanters assembled in that town to concert a plan of operations in the north, at which the Earl of Sutherland, the Tutor of Lovat, and the Sheriff of Moray, were present. These northern chiefs brought about 1000 additional men to Argyll's army.

Argyll, however, all through showed his utter unfitness for the post held by him in the Covenanting army. He followed Montrose over a long and circuitous route, the greater part of which bore recent traces of his footsteps, and instead of displaying any disposition to overtake his retreating foe, seemed rather inclined to keep that respectful distance from him, so congenial to the mind of one, who "willing to wound is yet afraid to strike." A more remarkable example of pusillanimity than that exhibited by Argyll during the progress of this campaign it would be difficult to conceive; and it seems very surprising that after thus incurring disgrace among his friends and the contempt of his foes, he should still have been allowed to retain a command for which he was utterly unfitted.

In the beginning of November, after giving orders to the Highlanders to return home, he proceeded to Edinburgh, where he received but small thanks for his service against the Marquis. In the end of January, 1645, Montrose left Argyle and Lorne, which he had ravaged, and marched through Glencoe and Lochaber in the direction of Inverness, intending to seize the town. He, however, learned that Seaforth was advancing to meet him with an army of 5000 horse and foot, including the veteran garrison

of Inverness and the Frasers. But on being informed that Argyll with a force of 3000 men had entered Lochaber and was laying waste that country in his rear, he turned back and defeated them with great slaughter at the memorable battle of Inverlochy, on the 2nd of February, 1645.

During the commotions and disasters of this period, Lord Lovat, although worn out with his physical and mental infirmities, often took occasion to reprove his brother, Sir James, for the part he was pursuing. "His Lordship's own innate inclinations naturally led him to have appeared for the King's service, but through a misunderstanding that happened between the Marquis of Huntly and the Marquis of Montrose, who were commissioned by the King, he could not be induced to join with either of them, for, as his heart was set on the King's interest, to which he wished success and prosperity, so, no considerations could induce him to give the least countenance to those he thought the King's enemies, let the pretext be never so specious. But the Marquis of Argyll having gained Sir James, the Earl of Leven, who was the young Master of Lovat's grandfather and Commander-in-Chief of the forces in Scotland, against the King, took care to keep a watchful eye over Lord Lovat, lest his appearance on the King's side might have affected the estate and embarrassed the succession of his young grandson," a result which came about at the time in many other cases.

The Frasers still continued loyal to the Covenant. Generals Hurry and Baillie were sent against Montrose, and for several months a desultory war was carried on. About the beginning of May, Hurry, who was stationed at Enzie, in Morayshire, was surprised one day to find Montrose with a greatly superior force within six miles of his camp, before he was even aware that he had crossed the Grampians. He became greatly alarmed, and retreated hurriedly to Inverness. Here his former panic gave way to a very different sensation, when he found the Earls of Seaforth and Sutherland, with their retainers, the Frasers, and others, all assembled to meet him. These new allies increased his

army to 3500 foot and 400 horse, and he at once resolved to act on the defensive, by giving battle to the Marquis. The army of Montrose consisted of about 3000 foot and 400 horse, made up of Gordons, Macdonalds, Macphersons, and Irish. On the 9th of May, 1645, the two armies met and engaged in deadly conflict near the village of Auldearn, in the county of Nairn. The fight continued obstinate, until Major Drummond, who commanded Hurry's horse, wheeling about unskilfully, broke the ranks of his own side. Lord Gordon, seeing this, rushed in upon Drummond's horse and put them to flight. Montrose followed with the foot and attacked the main body of the Covenanting army, which he completely routed. About 2000 Covenanters fell. The clans who had joined Hurry suffered severely, particularly the Frasers, who, besides unmarried men, are said to have left no less than eighty-seven married men slain on the field. To the bad conduct of Drummond the defeat was at the time mainly attributed. He was a few days afterwards tried for it and found guilty at Inverness, and shot immediately on the high road to Tomnahurich.

That treachery played a part in the result of the battle of Auldearn is now undoubted. In the *History of the Mackenzies*, new edition, pp. 253-256, a long quotation is given from the Ardintoul MS., written by a gentleman who had his information direct from another who took a personal part in the battle, which places the fact above all controversy, and of which the substance is as follows:—General Hurry had sent for Seaforth to Inverness, and informed his Lordship that although he was serving the States he privately favoured the King, and he advised Seaforth to dismiss his men, but through an act of forgetfulness, consequent on the festivities of the evening, this was not done, and before he got up next morning the lairds and gentlemen of Moray came to him and earnestly entreated that his Lordship would not allow them to be ruined and destroyed by Montrose and his Irish allies, assuring him that, if he would join General Hurry with all the forces he had then under his command, Montrose would decline to engage

them. Seaforth believed the Moray men, and collecting all his followers marched to Auldearn, where he met Montrose, and Alexander Macdonald at the head of his Irish. And here the traitorous arrangement entered into between Hurry and Seaforth was carried out. "Hurry understanding and making it his business that Montrose should carry the victory, and that Seaforth would come off without great loss, he set his men, who were more than double the number of their adversaries, to Montrose's advantage, for he placed Sutherland, Lovat's men, and some others, with the horse under Drummond's command on the right wing, opposite to my Lord Gordon, and Loudon and Laurie's regiments, with some others on the left wing, opposite Alexander Macdonald and the Irish, and placed Seaforth's men for the most in the midst, opposite Montrose, where he knew they could not get hurt till the wings were engaged. Seaforth's men were commanded to retire and make off before they had occasion or command to fight; but the men hovering, and not understanding the mystery, were commanded again to make off and follow Drummond with the horse, who gave only one charge to the enemy and then fled, which they did by leaving both the wings and some of their own men to the brunt of the enemy, because they stood at a distance from them, the right wing being sore put to by my Lord Gordon, and seeing Drummond with the horse and their neighbours fly, they began to follow. Sutherland and Lovat suffered great loss, while on the left wing Loudon's regiment and Laurie's were both totally cut off betwixt the Irish and the Gordons, who came to assist them after Sutherland and Lovat's men were defeated." Seaforth's men did not, as arranged, suffer much either in the fight or in the pursuit. "His men, with Colonel Hurry and the rest, came back that night to Inverness, all the men laying the blame of the loss of the day upon Drummond, who commanded the horse, and fled away with them, for which, by a Council of War, he was sentenced to die; but Hurry assured him that he would get him absolved, though at the very time of his execution

he made him keep silence, but when Drummond was about to speak, he caused him to be shot suddenly, fearing, as was thought, that he would reveal that what was acted was by Hurry's own directions. This account of the battle of Auldearn, I had," concludes the author, "from an honourable gentleman and experienced soldier, as we were riding by Auldearn, who was present from first to last at this action, and who asked Hurry, who set the battle with such advantage to Montrose and to the inevitable loss and overthrow of his own side? to whom Hurry, being confident of the gentleman, said, 'I know what I am doing, we shall by-and-bye have excellent sport between the Irish and the States regiments, and shall carry off Seaforth's men without loss'; and that Hurry was more for Montrose than the States that day is very probable, because shortly thereafter, when he found opportunity, he quitted the States service and is reckoned as first of Montrose's friends"; for in August of the following year he followed him abroad and again returned with him in his second expedition to the north, was taken prisoner along with him in Sutherlandshire, and ultimately executed for the same offence as Montrose.

Notwithstanding Lord Lovat's piety he could be guilty of gross cruelty and injustice. According to the family chronicler a barbarous instance of this kind occurred with his full sanction and approval. Lady Lovat on a certain occasion had brought north with her, after a visit to her relatives, a considerable quantity of gold and jewels. These valuables were afterwards stolen and suspicion fell on one of her Ladyship's maids, a girl named Kennedy. For this supposititious offence the unfortunate woman was sentenced to be drowned. She was first immersed, with the object of inducing her to make a confession, and, rising to the surface, she outstretched her hands as if to make a disclosure, but she immediately sank again and was drowned. Some time afterwards a smith in the district was found to have a pot of gold in his possession, and as it was thought highly improbable that a man in his position could have come

honestly by such a treasure, he was suspected of having stolen it, and was put to the torture to extract a confession. His obstinacy, however, baffled his tormentors, and he ultimately died in chains, in the vault of Beauly, carrying his secret along with him, and leaving his wealth to his family, six of his daughters, not long after his death, having married well to-do men in good positions. It is remarkable how much religion, superstition, and cruelty went hand-in-hand in those days, and indeed for generations afterwards, even amongst the most highly educated.

In February, 1646, Lord Lovat finding himself getting every day weaker and realising that his end was near, called his three surviving sons to the sick chamber in presence of the ministers who were never absent from his room, and addressed them in the following terms, preserved in writing by one of the clergymen present on the occasion :—

“ My dear children, I go this day the way of all the earth. I am the man that has seen affliction by the rod of His wrath, and God only supported me. The death of an excellent wife and hopeful children I felt severely, but I have fought a good fight, and I know there is a crown of Righteousness laid up for me. Beware of the sins of the persons with whom you are, and the time and places where you are. Be sober, temperate, and chaste, and as you wish that others should do unto you do you so unto them. Fear God and honour the king, and meddle not with them that are given to changes. The way to reform others is to reform yourselves. Keep the honour, antiquity, and true history of your ancient family still in your view. Encourage virtue in every one, vice in no one. God preserve you from being tainted with the corruption of the times. My son Alexander, thou wilt be great and have many advantages, and a happy, flourishing and peaceable time when these storms blow over, but it is my fear that thou wilt want management and skill to improve these advantages. Easiness and credulity are the bane of many. Give a deaf ear to sycophants. What was your brother Hugh's ruin I am afraid will be thine. Prepare to die for you will never reach my days. My son Tom, thou wilt wrestle with the world, but thou wilt be the man yet, live long, and see many days. And from thy loins shall they come who will do great things. Thy temperance and moderation will lengthen thy days. My son James, thou art my youngest, thou wilt appear on the stage and then vanish.”

His Lordship then blessed his children, took leave of his

family and friends, "departed this life in the greatest tranquility of mind," and was "with the greatest magnificence and solemnity" buried in the Church of Kirkhill.

He was, according to the family historian, "a pious, religious, and prudent nobleman, a man of wit and humour, and of undoubted courage and resolution, and of a sound wholesome constitution till his lady's death. When he was Master of Lovat he went regularly in circuit through his estate, and kept courts regularly once a year in person. He was a strict justiciary, punishing all crimes, redressing all wrongs. The poorest and meanest had access to him, and he did not allow his factors, baillies, or any of the gentlemen to oppress the meanest of his people, so that he truly merited that which makes so bright a part of Job's character. He was a father to the poor, and the cause which he knew not he searched out. He broke the jaw of the wicked and plucked the spoil of his teeth. If he had any fault it was his preposterous modesty. He obliged every gentleman and tenant when he came to the age of eighteen to have arms suitable to his rank. He advanced two thousand merks for firelocks and pikes to Colonel Fraser, who returned from the Swedish wars some years before this. But he preferred arching to all other military exercises as the most manly. He was punctual in attending divine ordinances, and never omitted sitting in session to keep discipline in the country. He regretted often that his ministers had small stipends, and by his proxy voted for an augmentation to them in the Parliament of 1640, and when decrees of Plat were procured he gave localities in land to all his ministers, free of customs, carriage, or any other burden." He purchased from Fraser of Strichen, along with his lands, the right of patronage to the united parishes of Inverness and Bona. In 1623 the patronage of the latter had been disposed by Lord Spynie, then patron, to Strichen, who in 1640 as vice-patron presented Mr John Amand to the charge of Plat. The two parishes were soon after united by a decree.

Lord Hugh married Isabel, daughter of Sir John Wemyss of Wemyss, with issue—

1. Simon, to whom on the death of his mother in 1636, his father—who was so much affected that he lost all interest in worldly affairs, and gave himself up wholly to religion—handed over the estates. Simon, however, died a few years after, on the 20th of March, 1640, during his father's life, and was buried in the Church of Kirkhill. He was unmarried, and his next brother, Hugh, succeeded him in the estates.

2. Hugh, who was born in 1624. He was served heir in special to his brother Simon on the 26th of July, 1640, but like him died before his father in 1643. He had, however, married Anne Leslie, daughter of Alexander, Earl of Leven, at Holyrood House, on the 30th of April, 1642, and by her left one son, Hugh, who ultimately succeeded to the title and estates. Hugh's widow married secondly Sir Ralph Delaval of Seaton Delaval, Baronet, Northumberland.

3. Alexander, who was born in 1625 or 1626. He became Tutor to his nephew, as appears from an extract of tutoy from Chancery in the family repositories, dated the 11th of June, 1650. In 1658 he was curator for his nephew of Inverallochy. There were several discharges by him as Master and Tutor of Lovat to the Strichen family for the tack and feu-duties of Killin, Moniack, and other lands in Inverness-shire, in the Strichen charter chest. He married Sibella, daughter of Kenneth, first Lord Mackenzie of Kintail, and widow of John Macleod, XIV. of Harris and Dunvegan, with issue—an only daughter, Anne, who married Alexander Mackenzie, III. of Applecross, with issue. She married thirdly Patrick Grant, Tutor of Grant. Alexander died without issue in 1670.

4. Thomas of Beaufort, born in 1631, whose son, Simon of the 'Forty-five, on the death of Hugh eleventh Lord in 1696, without issue male, asserted his claim to the male representation of the family, and after much litigation established his right to the estates and honours.

5. William, born in 1632 and died young in 1639.

6. James, born in 1633, was Captain in a regiment raised by Lord Cranstoun for the King of Poland. He died in Pomerania, without issue, in 1657.

7. Mary, who, born in 1617, married in 1635 David Ross, XII. of Balnagowan, with issue—David, the last direct male of the original family, two daughters, Catherine and Mary, and a son, Alexander, who died young.

8. Anne, who, born in 1619, married in 1639 John, thirteenth Earl of Sutherland, without issue.

9. Catherine, who married first Sir John Sinclair of Dunbeath; secondly, Robert, first Viscount Arbuthnot, with issue; and thirdly, in 1663, Andrew, third Lord Fraser of Muchal, with issue.

Lord Lovat died on the 16th of February, 1646, when he was succeeded in the title and estates by his grandson,

HUGH, TENTH LORD FRASER,

Only son of Hugh, Master of Lovat, who died, as already shown, in May 1643, shortly after the birth on the 2nd of March, 1643, of his only child. This Lord Hugh was consequently a minor under three years of age when his grandfather died. He was served heir to his father Hugh, Master of Lovat, who, as has been already seen, had the estates handed over to him, during his father's lifetime, in the lands of Easter Kinmylies, or Bridgend, on the 30th of March, 1647. He also, on the 18th of May, 1665, expedite a service as heir-male of his father in the lands and barony of Lovat, and on the 19th of February a general service to his grandfather Hugh, the ninth Lord. His uncle Alexander was appointed Tutor to the young Lord, in which capacity he repeatedly led the clan, particularly when Charles II. landed in Scotland in June, 1650, on which occasion he received a Lieutenant-Colonel's commission from that King, and then came North to raise the clan in his Majesty's interest.

In the meantime we shall follow the clan through the remaining stages of the wars of Montrose. The Marquis of Huntly had been entrusted with the siege of Inverness, but he retired from it with disgrace, and Montrose determined to attempt it himself, although provided by an insufficient force for the purpose. He set fire to the

outskirts of the town, and sent detachments of his troops to pillage the Fraser estates. "The first detachment surprised them sowing their seed. They killed some of them on their first approach, and would have killed many more had not Providence ordered that at that time the sea was ebbed, upon which the defenceless people fled within flood-mark, and being mostly clay ground, the horses could not pursue them hither. From thence they escaped to Culbokie's fort, as the people west of that fled to Lovat and Beauly, some to the Isle of Aigas, and some to the Dun of Little Struy. These forts saved the lives of thousands, and some of their effects. But except what was secured in these places of strength there was not a house unrifled, a horse, cow, or sheep, cock or hen left" in that extensive sweep of country from the Green of Inverness to Guisachan in the top of Strathglass. Meanwhile, by the treachery of Huntly's son, Lewis Gordon, General Middleton's army was allowed to cross the Spey, and Montrose withdrew his forces a little distance from the town just as his pursuers entered it. The trumpets of their advanced pickets sounding at Petty, a few miles eastward, first disclosed to him the danger of his situation. Middleton's superiority in cavalry induced Montrose to retreat to the west side of the Ness, leaving his camp, full of all sorts of provision, his cannon, and baggage as it stood. The enemy pursued and attacked his rear, but being gallantly received they were soon forced to retire. The loss was inconsiderable, and about equal on both sides. Montrose retreated by Kinmylies to the Caiplich. From there he marched forward and halted the first night at Blar-na-Cunlaich, a place about a mile westward from Achnagairn, and next morning, having entered Ross-shire, he halted in the wood of Fairley, two miles above the village of Beauly.

Middleton, after his brush with the enemy, had entered the town of Inverness to the great gratification of the inhabitants, and having refreshed his troops, set out next morning in pursuit of the retreating Montrose. He

marched through the parish of Kirkhill under the guidance of Sir James Fraser of Brea, then Governor of the Castle of Inverness, and its commander during the siege. For a couple of days the two armies continued in sight of each other, having the river Beauly between them, "Middleton as much afraid of Montrose as Montrose was of him." On the fourth day Montrose broke up his camp, and set fire to it. Middleton's object was to induce his opponent to fight on the low and more level ground, but dreading his pursuer's superiority in cavalry, and Seaforth's levies daily deserting him, Montrose, after having set fire to his camp, proceeding through Strathglass and Fort-Augustus, made a circuit of Lochness, and, passing through Stratherrick, found his way to the banks of the Spey. Sir James Fraser, now possessing the rank of Colonel in the army, entertained Middleton and his principal officers at Lovat, and then conducted him in great state across the Ferry of Beauly, through the Black Isle to the Castle of Chanonry, then under the charge of Lady Seaforth, which at once surrendered to him. Middleton then handed the keys of it to Sir James Fraser who placed a garrison in the Bishop's house, which continued to occupy it for several years. Having removed a quantity of stores and ammunition sent by Queen Henrietta for the use of Montrose on his expected arrival there, Middleton gave up the castle to the Countess of Seaforth, whom he treated with the greatest civility and respect.

The members of the Lovat family were very much scattered at the date of their father's death. Alexander the Tutor, was with his uncle, the Earl of Wemyss, who had secured a Captain's commission for him in the army, when he was only twenty years of age. Thomas, afterwards of Beaufort, now about fifteen years old, lived sometimes in Ross, at other times in Sutherland, but mostly with his sister in Caithness. James, the youngest son, was at the school of Kirkhill, and resided with Alexander Fraser of Phoineas, Governor of the Castle of Lovat, while the young Lord Hugh, now about four years old, was in Fife under the care of his grand-uncle, the Earl of Wemyss, and his

grandfather, the Earl of Leven. Sir James Fraser of Brea had the entire management of the family estates, over which he exerted a very oppressive authority, and "was far from proving such a Tutor as either Struy or Strichen" on previous occasions. He, however, made an arrangement with the Earl of Leven, and gave his daughter, the late Master of Lovat's widow, forty-five thousand merks Scots in one payment in place of the ten thousand merks which had been provided for her annually under the marriage contract—an action which was highly commended, although in order to obtain the money he alienated the barony of Kinmylies to Colonel Hugh Fraser of Kinneries, brother to Culbokie; Kingillie to William Fraser of Culbokie; the heritable right to the lands of Belladrum to Hugh Fraser, "then tacksman of that davoch," and the Buntaits to Alexander Chisholm of Comar, who as well as Culbokie had earlier rights to these lands by at least ten years, as far back as May and June 1637.

Sir James Fraser now took the necessary steps to obtain compensation for the injury done to his country and people by the ravages of the enemy's army, and he laid before the committee which had charge of these affairs a claim for ten thousand merks Scots, equal to £833 6s 8d sterling. The committee entertained the claim and immediately drew an order on the Exchequer for two-thirds of the amount in favour of Sir James, which was duly paid to him. At the same time he allowed the tenants who had suffered from the war to retain their rents in their own hands until their losses were in this way made up to them.

In 1646 the Mackenzies, Mackays, and some of the other northern clans had joined Montrose at the siege of Inverness. When he retired, the leaders of these, with George Earl of Seaforth at their head, had an interview with him, after which they drew up the well-known Remonstrance against the Solemn League and Covenant, which made a great sensation in the country at the time. The authors of this famous document sent messengers to all the other clans soliciting them to join, take up arms, and assist in

carrying it into effect. Roderick Mackenzie, V. of Davochmaluag, was sent to the Frasers for this purpose. Sir James Fraser was at the time in Edinburgh, but he seems to have had trusty representatives among the gentlemen of his clan at home. These met at Lovat, among them being Thomas Fraser of Struy, Hugh Fraser, his heir, Culbokie, Belladrum, Clunavacky, Foyers, Farraline, Reelick, and several others. Here they received Davochmaluag, who delivered his message, whereupon Thomas Fraser of Struy, the principal cadet present in the absence of Sir James, made the following reply, which is transcribed word for word from the papers of one of the gentlemen present on the occasion. Addressing Mackenzie, he said—

“Sir, you are sent to us, as it seems, with a message from your chief. I hope he does not question us, who have upon all occasions been kindly neighbours to him, and all round about us; and we were ever known to be faithful and loyal subjects. And who dare to doubt us at this juncture. (1) The Frasers have given proof of their loyalty in the worst of times. When the two Kingdoms were at open war in the quarrel of King Robert the Bruce, the Frasers fought three battles in one day and carried them at Roslin, and soon after, Sir Simon Fraser and Sir Walter Logan lost their lives at London for their loyalty. And if now the League and Covenant is a test of disloyalty, the whole Kingdom is engaged with us, and the Mackenzies first urged as well as joined with us in that oath, and now to desert us, as it is a surprise to us, so it is too late. (2) To invite and call the Frasers to join with you in a Remonstrance—a Band of that nature is against the civil and ecclesiastical constitution. The Earl of Seaforth being now under the sentence of excommunication pronounced against him by the Church, and public intimation made thereof in all the churches of the Kingdom, and so also under the censure of the Civil Magistrate, I see no way safe for any subject, but rather great hazard and danger, to concur or commune with him upon any matter. (3) You say the King’s cause and interest is weak and at stake, and therefore it is the proper time to give it a lift. Our rising and appearance for him at this time may well ruin us but cannot raise him. A little time will show the success of Montrose’s project. If he succeeds, then we and others will be at full liberty to join him. (4) And finally, the Frasers are at this time without a head, and so, can do nothing rashly of or by themselves. The Lord is but a young child 4 years of age. Sir James Fraser of Brea, Tutor of Lovat, the superior of the country is engaged in the south. The Master of

Lovat, Alexander, is absent likewise, so that we can give no positive answer to any proposition till their return, but wish well to the Royal interest, and may God prosper and preserve the King."

This was pretty firm, but Alexander Fraser of Phoineas, Captain of the Garrison of Lovat, who spoke next, was even more decisive and outspoken. He thus expressed himself—

"I said I will declare with Elihu that days should speak and multitude of years should teach wisdom. I said, I will answer also my part. I also will show my opinion, for I am full of matter. The spirit within constraineth me. Behold my belly is as wine which hath no vent. It is ready to burst like new bottles. I must speak that I may be refreshed. I will open my lips and answer. Let me not, I pray you, accept any man's person, neither let me give flattering titles unto man; for I know not, I care not to flatter." Then turning to Davochmaluag he said, "Rory, you are come with a message to us though your heart is full of malice to us. It is bold and impudent, nay insolent, in you to undertake a commission to us whom you love not, and we care very little for you. We cannot trust you, for few of your own friends do. Your sword but dript lately with the blood of our poor innocent neighbours in your transursions through this country, and your tongue now drops flattering words to us. I am instructed by the law of nations to have a respect to embassies and messengers that pass betwixt countries and clans, otherwise, as Samuel did to Agag, I would with my own hands hew you down in pieces before the Lord as your reward, that you might confess with Adonibezek, 'as I have done so God has done to me.' You openly owned and avowed the common cause at Auldearn, and clandestinely joined with Montrose at the siege of Inverness that you might ravage, as a ravaging wolf, through this country and kill poor, old, harmless men, running to save their lives, 'egregiam vero laudem et spoila ampla refertis.' You may be very vain of your achievements. You killed an honest tenant at Phopachy, and your father-in-law's old miller at Rhinduy, when you left Montrose at Inverness to come out and plunder the Aird. Do you think, Rory, that the great Montrose trusts you? He sees he never had success since the Mackenzies joined him. You were stout Covenanters last year, and what are you now? That oath lies upon you, but God will not be mocked or juggled with. If the design or the Covenant be wrong and a pretence God will judge, discover, and revenge it. Nor do I think that Montrose courts you, knowing you so well already. And came you here to pump us? I hope we are not shallow. Is this your friend? Having got a wife from us, do you plough with that heifer? Bella-

drum, your father-in-law, here, is an Achan in our camp, betraying and discovering our secret intrigues to you, but he shall do so no more, perhaps. We had little confidence in you before, but now, being excommunicated, we cannot correspond with you. True, you Mackenzies, are my mother's kin, and I should love you, but it is doing good for evil, for I expect none from you. Your name have ever jealousyed the Frasers because time out of mind they have done greater acts of loyalty than ever you were capable of. You envy our strongholds and forts, having none such yourselves. But they were not built in rebellion but for the preservation of the country against supplanting neighbours. Now, go home Rory, and look after your cows in Glen Orrin, which is a much fitter employment for you than your present business, but forget not to give an impartial account of what was told you here."

After this straight hitting, no one will be surprised to learn that this Alexander Fraser of Phoineas "was a bold and daring man, that feared nobody." He was governor of all the forts in the Fraser country, but resided at Lovat. He was also muster-master of the armed men and Captain of the Watch that was kept "in the height of the country." He managed all these responsible positions with great dexterity, prudence, and address, and is said to have had as great a sway all over the estates as if he were Lord Lovat himself.

Montrose having in 1646 gone abroad, the Covenanters carried everything before them and planted garrisons all over the Kingdom. Sir James Fraser of Brea was made governor of those at the Castles of Inverness and Chanonry, and all the gentlemen of the Aird had their different apartments in the stronghold of Lovat.

In 1649 fifty lasts of salmon were caught in the river Beauly, for which Paul Collison, an Aberdeen merchant, paid Sir James Fraser £500 sterling in one sum cash down. In the autumn of the same year died Colonel Hugh Fraser of Kinneries, who came home from the Swedish army at the beginning of the war between the King and the Covenanters. All the forces stationed at Inverness made a parade from his house at Kinmylies to Lord Lovat's chapel at Kirkhill, where he was buried with military honours. On the 6th of December in that year Sir James Fraser

of Brea died at Lovat, in the fortieth year of his age. His body was conveyed from thence to Kirkhill "in great state and magnificence, no less than thirteen trumpets sounding at his funeral," all the forces having joined to bury him also with military honours.

After the death of Sir James, Alexander Fraser, brother of the last Lord and uncle of the present Baron, who commanded a troop of horse in the Army of the States, claimed the Tutory as his legal right by blood, but the curators of the estate, especially the Earl of Wemyss, opposed his claim, urging that he was at present honourably engaged in the service of his country, but that whenever affairs had become settled and peace had been secured he should then succeed to the Tutory. Matters continued in this way until in the summer of 1650, Charles II. landed in Scotland.

On the 5th of February, 1649, he had been proclaimed King at Edinburgh, when it was decided by him and his friends in exile that Montrose should make a second attempt to recover the Kingdom. Charles had then declined the humiliating terms offered to him by the States, and in connection with the plans of Montrose, a rising took place in the North under Thomas Mackenzie of Pluscardine—his brother the Earl of Seaforth being then in exile with the King—Sir Thomas Urquhart of Cromarty, Colonel John Munro of Lemlair, and Colonel Hugh Fraser. On the 22nd of February they entered Inverness, expelled the garrison, and afterwards demolished the walls and fortifications of the town. On the 26th a Council of War was held, at which were present—Thomas Mackenzie of Pluscardine, Sir Thomas Urquhart of Cromarty, John Cuthbert of Castlehill, Roderick Mackenzie of Redcastle, John Munro of Lemlair, Simon Fraser of Craighouse, and Alexander Mackenzie of Suddie. Here they framed certain enactments in terms of which they took the customs and excise of the six northern counties into their own hands. General Leslie having been sent against them, they retired to the mountains of Ross-shire, when Leslie advanced to Fortrose and placed a garrison in the Castle. He made terms of

surrender with all the leaders except Mackenzie of Pluscardine, who would not listen to any accommodation, and who immediately on Leslie's return south, descended from his mountain fastnesses, and then attacked and retook the Castle of Chanonry. A full account of this period will be found in Mackenzie's *History of the Mackenzies*, new edition, under George, second Earl of Seaforth, and his successor.

When in June 1650, Charles landed in Scotland, there was a general rising of the Loyalists north and south, and Captain Alexander Fraser, the young Lord's uncle, came north with a Lieutenant-Colonel's commission to raise the Frasers in the interests of the King. The place of general rendezvous was at Tomnahurich, near Inverness, where Colonel Fraser mustered 800 of his clan in full armour, their other officers being—Hugh Fraser of Struy, Major; Thomas Fraser of Beaufort, the late Lord's brother, first Captain; Hugh Fraser of Foyers, second Captain; Alexander Fraser of Phoineas, third Captain; William Fraser, Reelick's brother, and Alexander Fraser, Younger of Clunavachy, Captain-Lieutenants; Andrew Fraser of Leys, Ensign; and Alexander Fraser, a son of Phopachy, Quarter-Master. Lieutenant Donald Fraser and Lieutenant Schivez, who were trained soldiers under Colonel Fraser in Ireland, were appointed to exercise the men in military drill every day by turns. In the end of April, 1651, the Frasers thus commanded and marshalled marched through Inverness, and from thence through Badenoch and Appin to Stirling, where they arrived at the King's camp on the 6th of May; and having veteran officers at their head, they were exercised every day, and "never was Prince more delighted with his men than King Charles was with his Highlanders," while each corps strove to excel the others.

They lay all that summer encamped about Stirling and the Torwood, until they ate or destroyed all the provisions in the district. They left on the 1st of August, and after several battles and skirmishes, notably at Linlithgow and Inverkeithing, they marched to invade England, entering it by Carlisle, Cromwell following them about

three days' march in the rear, until he overtook them at and fought the fatal battle of Worcester on the 3rd of September following. "It was universally acknowledged that the Scots army fought gallantly, though they were overwhelmed by numbers and totally defeated, not less than two thousand having been killed and eight thousand taken prisoners on the King's side. The King himself narrowly escaped. Among several great men that were taken, such as the Earl of Rotheras, Carnwath, Kelly and others, was Colonel Alexander Fraser, Tutor of Lovat. All the prisoners were carried to London. Some of the principal men escaped at different times from the Tower, and others were detained close prisoners until the Restoration. The bulk of the common soldiers were transported to the plantations. The Tutor of Lovat having made his escape out of prison came north, and entered on the administration of his nephew's affairs," and soon after, as already stated, married Sibella, daughter of Kenneth, first Lord Mackenzie of Kintail, widow of John Macleod, XIV. of Macleod, by whom he got 3000 merks Scots a year, which was considered an enormous fortune at the time.

After the defeat of the King's troops by Cromwell at Worcester, General Monk, whom the Protector left in command in Scotland, enjoyed a profound peace until in the autumn of 1653, about four thousand men assembled under the command of the Earl of Glencairn, General Middleton, Sir George Munro, and others. The Camerons, Frasers, and Mackenzies made up a considerable part of this body, but before they had been long together such divisions and animosities arose among the leaders, and they became so jealous of one another, that the Earl of Glencairn handed over the command-in-chief to General Middleton, and fought a duel with Lieutenant-General Sir George Munro, although his inferior in rank, and after a short time their differences and jealousies resulted in the break up of their army and the total failure of their designs. The King's cause thus became hopeless, and his Majesty sent word to his friends in the Highlands that, since any

attempt they could make in the condition they were then in could do him no service, and would inevitably ruin and destroy themselves, to make the best terms with the enemy they could, upon which they capitulated to General Monk, who remained at Inverness until the chiefs of clans in the surrounding districts came in and gave satisfactory security for their future peace and behaviour. Colonel Alexander Fraser, Tutor of Lovat, his brothers, Captain Thomas Fraser of Beaufort, and Captain James Fraser, recently returned from the wars in Germany, at once came in, and delivered themselves up in the citadel of Cromwell's Fort, at Inverness, and were admitted to bail, the Tutor becoming bound for the whole name and clan of Fraser. Kenneth Mor, third Earl of Seaforth, Sir George Munro, Macleod of Macleod, Lochiel, and Glengarry, also came in, laid down their arms at the same place, gave the necessary security, and were all set at liberty.

In 1656 Lord Cranstoun having received a commission to raise a regiment for the service of the King of Poland, gave a Captain's commission and the power of naming his subalterns to James Fraser, the late Lord Lovat's youngest son, who named Hugh Fraser, Younger of Clunavacky, as his Lieutenant, and William Fraser, son of Mr William Fraser of Phopachy as Ensign. These gentlemen soon raised a company of fifty handsome-looking men, with whom they marched south to join their regiment.

Having finished his studies at the University of St. Andrews, young Lord Lovat came north to see after the management of his estates, but Lady Sibella, his uncle Colonel Alexander's wife, "being a bold and imperious woman, would not allow her husband" to give an account of his administration till his nephew, Lord Hugh, attained his majority, although he had now ten years' intromissions to account for. The curators, however, raised an action before the Lords to compel the Tutor to give count and reckoning, and advised his Lordship in the meantime to consult Sir George Mackenzie of Tarbat, then an able rising young lawyer who, they thought, would be of great

use to him. But while visiting at Tarbat Lord Lovat "was decoyed into a match" with Sir George's sister Anne, a lady about thirty years of age—some say thirty-six—while his Lordship was only sixteen and four months, in September 1659, and the arrangements were kept so secret that his friends knew nothing of the marriage until it was all over. This "was an unhappy step, which crushed this promising youth in the very bud; for he was much fitter to be under the direction of a tutor at his education than to be married at all; and the great disproportion in their ages made it quite an unequal match. His Lordship having gone south with his lady in October, after staying for some time with his granduncle, the Earl of Wemyss, they went to Edinburgh and took up lodgings there. Lady Lovat was in June following delivered of a daughter called Anne. The Tutor was under the necessity of doing a parent's part, in presenting the child for baptism, for his Lordship was so bashful that he could not be prevailed upon to present the child" or to be personally present at the ceremony.

The Tutor, having been ordered to find bail for his intromissions with the estates during the ten years they were under his charge, returned to the North and greatly harassed the tenants. The year 1660 was an eventful one in the history of this family, so many of its connexions having been removed by death. In it, within a year of each other died David Ross of Balnagowan, and his wife Mary Fraser; Anne Fraser Countess of Sutherland, both daughters of the late and aunts of the present Lord; Robert Viscount Arbuthnot, who had been married to Catherine, sister of these ladies; and Captain James Fraser, their youngest brother, who died in Pomerania, along with many of the friends who accompanied him; for none of them ever returned, except Hugh Fraser of Clunavacky, and William Fraser, a brother of the minister of Wardlaw.

In 1660 there were several protestations taken for precedence by different Lords. Alexander, Tutor of Lovat, and Sir George Mackenzie of Tarbat took a protest in Lord Lovat's name, who was still a minor, maintaining his pre-

cedency by proving that his ancestors were of old fourth on the Roll of Scottish Peers. In 1661 his Lordship and his Lady, who had remained in Edinburgh since their marriage in 1659, started for the North. On their arrival at Inverness they were sumptuously entertained by Provost John Forbes of Culloden and the Magistrates, who then conducted them to the west end of the Bridge, where they were met by sixty of the gentlemen of the clan on horseback, and at the Green of Muirtown by six hundred men under arms who accompanied them to Lovat, where they settled.

This year the Citadel of Inverness, Cromwell's Fort, the building of which was commenced in May, 1652, was pulled down by order of the Scottish Parliament. The minister of Wardlaw says, "I was an eye-witness of the first stone that was broken of this famous Citadel, as I was also a witness of the foundation stone laid anno 1652, in May," and in another place he says—"I saw it founded, I saw it flourish, I saw it in its glory and grandeur, and now in its ruins, *sic transit gloria mundi*," and he informs us that all its fir logs and spars were sold to its builders out of Hugh Fraser of Struy's woods, whom he saw receiving the large sum of thirty thousand merks at one time for timber.

In 1662 the Magistrates of Inverness resolved to revive an old custom that had been allowed to fall into desuetude for many years past—an annual horse race in the month of May. They sent intimation of their intention far and near, and "a prodigious confluence" of people crowded in to Inverness, among them the Earls of Moray and Seaforth, Lord Lovat, Lord Macdonald and Aros (there was no Lord Macdonald of Sleat for a century after this), Grant of Grant, Mackintosh of Mackintosh, Ross of Balnagowan, Munro of Fowlis, and several other gentlemen from Morayshire, accompanied by large retinues of retainers. The race was run on the plain round the Hill of Tomnahurich, the starting and winning posts being set up at the west of the town end of the Hill, where the roads then separated, the

one going west to Glenurquhart and the other to Kinmylies. Posts or "stobs" were set up at proper distances all round the course. The prizes were a silver cup value £7 sterling, and a saddle worth £3. A box or stage was erected for the Magistrates of the town and for the Lords and other gentlemen present.

The competitors on the first day were Lord Lovat, Grant of Grant, Rose of Kilravock, and Captain Mann from the garrison at Fort-William. Lord Lovat and the Captain rode in person, and the others by their men. They started at 11 o'clock, Lord Lovat keeping in the rear until he came within half-a-mile of the winning post. He then set spurs to his horse, and to the admiration of all, passed the others, took the lead, and won the race by several hundred yards, Captain Mann coming in second, Grant's man third, and Kilravock's last. Captain Mann afterwards declared that in the course of all his experience in England and elsewhere, he never saw a better horseman than Lord Lovat nor a swifter four-footed animal than his brown mare. The competitors on the second day were Captain Alexander Fraser, Tutor of Lovat; his brother, Thomas Fraser of Beaufort, "a nimble light horseman"; Mackintosh of Mackintosh, and Finlay Fraser, a Bailie of Inverness. The four ran abreast for the greater part of the race, but towards the end Beaufort and Bailie Fraser darted ahead and came in neck and neck, with the result that they had to cast lots for the first prize, which fell to the Bailie, and that afternoon Grant of Grant paid him £13 sterling for his horse, which was admittedly the best in the field, and won the race with him the following year.

In February, 1665, Lord Lovat, being then past twenty-one years of age, set out with a splendid retinue to pay court to the King, then in London, among them his two uncles, Alexander the Tutor, and Thomas of Beaufort. These and several other leading gentlemen of the clan parted with him in Edinburgh and returned to the North, the only one who accompanied him into England being Alexander Fraser, Younger of Philorth. He paid a visit to his

mother, Lady Delaval, in Northumberland, who received him with great demonstrations of joy and affection, and her husband, Sir Ralph Delaval, accompanied him to London, where they arrived in March. They were not long there when his Lordship, Alexander Fraser, Younger of Philorth, and Sir Ralph were introduced to the King by Sir Alexander Fraser of Durris, one of his Majesty's physicians. They were received most graciously, and after the ceremony of kissing hands was over, Charles, turning to Lord Lovat, said, "I remember that in the year 1650, being with my army at Stirling, I had occasion to observe particularly what a good figure your clan made. I know they were misled, with others, in the time of the Rebellion, but they soon returned to their duty. I hope they continue in their duty still." Lord Lovat replied that he hoped they would always deserve the good opinion which his Majesty was gracious enough to express regarding them. The King took a particular liking to the young Lord, both for his easy and open manner and his candour, as well as for his courage and dexterity in riding and tilting, in which exercises, as also in fencing and dancing, there was no one at the Court who could successfully compete with him. He often mounted the tallest and stateliest horse in the Royal stables without touching the stirrups. By merely laying his left hand on the animal's mane he would swing himself into the saddle. The Duke of Albemarle, better known as General Monk, paid him every courtesy and had him frequently in his house, for his Grace said that he would never forget the civility he met with on all occasions from his Lordship's friends when in the North, particularly when he stood in need of their good offices, marching from Kintail, through Monar, Glenstrathfarrar, Strathglass, and the Aird to Inverness; and the Duke of Monmouth treated him as if he were his equal and spoke kindly of him on repeated occasions to the King. Sir Alexander Fraser of Durris presented him with a splendid equipage—a fine coach and four stately horses, and "being inferior to his son, Sir Peter Fraser, in pride he acknowledged him as his

chief and introduced him to the King as such." The plague having suddenly broken out in London while his Lordship was there he made a hurried retreat out of the city and returned to Scotland. They soon arrived at Seaton Delaval, Sir Ralph's residence, in Northumberland, without a taint of infection, much to their relief and gratification, though not only in London but in several other parts of England the plague was making terrible havoc, the people dying in thousands.

Having stayed for a few days with his mother and step-father, Lord Lovat and his companions left for the north in the beginning of July and arrived at Edinburgh two days after, Alexander Fraser, Younger of Philorth, never having parted company with him since they started together from the Scottish Capital on their way to London in the preceding February. Losing no time here the two set out for Weems, the residence of the Earl of Wemyss, Lord Lovat's grand-uncle, in Fife, and the greatest affection was shown to him by his relatives in that county, where he was himself born and educated. He and young Philorth then proceeded through Forfarshire to the Mearns, and paid a visit to his Lordship's grand-aunt, the Lady Margaret Arbuthnot. From there they went on to Muchal, or Castle Fraser, and waited on Lord Fraser's lady, who was Catherine Fraser, Lord Hugh's aunt. From here they rode through the Garrioch to Buchan, where they called upon Fraser of Inverallochy, and then came on to Philorth, where the old Laird received Lovat and his own son Alexander with the greatest joy and entertained them most politely and sumptuously. Having parted here with his young friend and companion, Lord Hugh went to Strichen and found the laird and his wife ready waiting to set out along with him to visit their friends and relatives in the Aird. Having entertained their welcome guest for the night, they set out together next morning and arrived at Lovat about the middle of July, after an absence by his Lordship of more than five months. During his sojourn in the south, his uncle, Thomas Fraser of Beaufort, in April, 1665, mar-

ried Sibella, daughter of John Macleod, XIV. of Macleod.

In May, 1666, his Lordship having received certain letters from the South went away a few days after without telling any of his family or friends what occasioned his sudden departure, and attended only by two servants, by his coachman, and a postilion. The latter two he sent back on his arrival at the river Spey and continued his journey accompanied by his two servants, and he was not heard of during the whole of that summer.

When his Lordship started on this trip he left his lady with child, and on the 28th of September, 1666, she was delivered, and the infant was baptized next day by the Rev. William Fraser, minister of Kiltarlity, and named Hugh. "The midwife said to myself," says the Rev. James Fraser, Episcopalian minister of Kirkhill, author of the Wardlaw manuscript, "take care of your chief, the Master of Lovat, for his mother will never have another." The child was born with a large black spot on the right side of his upper lip, and was in consequence always known among his Gaelic-speaking countrymen as "Mac-Shimidh Ball-dubh," or the Black-spotted son of Simon. Contemporary with this Lord Lovat were three other Highland chiefs with certain peculiar marks or blemishes on their bodies, namely, the Earl of Seaforth, who was known as "MacCionnich Glun-dubh," Mackenzie the Black-kneed; Mackintosh of Mackintosh, known as "Mac-an-Toisich Claon," or Mackintosh the Squint-eyed; and the Chisholm, called "An Siosalach Càm," or Chisholm the One-eyed. There was an old-standing prophecy handed down in the family that when four chiefs with such personal peculiarities should appear simultaneously extraordinary events should take place, and the family of Lovat would enter upon troublous times and begin to decay, and the belief was now gaining ground that the prophecy was about to be fulfilled.

Lord Lovat's health began to fail. He did not return until October, after having made a tour of Aberdeenshire and Buchan, and he did not remain long at home when he started on a similar tour through the county of Ross. He

seemed, according to the family chronicler, by this time to take no pleasure in the company of his wife, "and yet such was the sweetness of his temper" that the unhappy relations between them affected his health, which about this time began to decline, and the prospects of this once great and flourishing family appeared about this period to have been brought very low, especially as regards the succession.

Lady Lovat was not likely to have any more children; Alexander, the Tutor's wife, was past child-bearing, and he had no male issue; Thomas of Beaufort's first children died in childhood, so that all the hopes of the family were centred in a suckling infant. All the principal branches of the house were, curiously enough, in a similar position. Lord Fraser of Muchal had only one son; Fraser of Philorth, who soon after this became Lord Abernethy of Saltoun, had only one son; and the Frasers of Strichen, Inverallochy, and Durris had but one son each, a state of matters which seems to have impressed his Lordship and troubled him much.

Another writer, who states that Lady Lovat was thirty-six years old when she married his Lordship as a mere boy, says that "he was seduced and persuaded by Sir George Mackenzie, afterwards Viscount Tarbat, to marry his sister. When he grew older and saw the world he found his misfortune in being married to a woman older than his mother, of a proud, crabbed, temper, and of a very bad reputation. He became very dumpish and melancholy, and though he truly was one of the wittiest and best spirits that ever was of his family, he could never endure to think of any future concerning his family. He gave himself up to drinking and divers influences. He was famous for riding and dancing and used all his energies in perfection. All his friends in the North and South did make remonstrances to him, how he would destroy his family if he did not look after it; yet it was wonderful that he who could advise another so well could never look after his own affairs. He told them, 'Gentlemen, if you knew what I have at home

at Lovat,' meaning his lady, 'you would never quarrel with me for neglecting the affairs of Lovat, for it's death to me to hear them named.' " So getting weary of his home surroundings, he determined to go abroad and visit the Continent, "resolved never to return as long as his wife lived." Having settled with his Chamberlains, and mortgaged Dalcross to Major George Bateman, who had married Sir James Fraser of Brea's eldest daughter, he went on board a ship at Findhorn on the 26th of February, 1670, and arrived safely on the 7th of March, nine days after, at Middleburg, in Zealand, from whence he made a tour through Holland. Having spent the winter and spring in travelling through the United Provinces, he decided to return home, and embarking at the Texel he arrived in Aberdeen on the 4th of April. After paying short visits to his friends in that county, he was accompanied by Thomas Fraser of Strichen to Lovat, where he arrived, to the great joy of his relatives and friends, on the 20th of April, 1671, having been away for about eleven months.

During his absence Lady Lovat fell into a rapid consumption. She spent the summer at the waters of Scarborough, but deriving no benefit she returned to the North, died at Beauly on the 16th of September, 1670, and was buried with all the pomp and ceremony due to her position and rank in the Chapel of Kirkhill.

On his return, Lord Lovat set about repairing his house at Beauly, intending to reside there, to marry again and attend to his family affairs, and he was much blamed for demolishing the old family residence at Lovat in order to get its oak roof and beams and hewn stone for the more modern and less interesting house on the opposite side of the river. He enjoyed a fair state of health since his arrival from Holland, but in January 1672, he became low-spirited, and took to complaining that he had no company to entertain him. His uncle, Thomas of Beaufort, Hugh Fraser of Struy, John Fraser of Clunavacky, a gentleman of extensive knowledge and experience, and the Rev. James Fraser, minister of Kirkhill, came in consequence

to see him and seldom left his presence during the long nights of January of that year, entertaining him with "history and divinity." And when it became more widely known that his health was giving way the esteem in which he was universally held among the neighbouring chiefs soon brought him visitors in abundance, among them the Earl of Seaforth, who called upon him two or three times a week, the Mackenzies of Tarbat and Cromarty, Ross of Balnagowan, Munro of Fowlis, and all the gentlemen of note in his own county as far as Lochiel in Lochaber. His malady, however, rapidly increased, "being spent with melancholy and drinking," and as he realised that his end was approaching he frequently called his children around him, especially his son, little Lord Hugh, then only five years and a half old. His father took great pleasure in talking to him, and would often exclaim in course of their conversation, "Oh, poor Hugh, what art thou by thy black spot marked for? What is designed for thee in after times lies hid in the womb of Providence. But I have my fears that when I am gone the effects of the prediction found upon the altar at Beauly will appear. The flaming hill mentioned may prove a Vesuvius to the neighbourhood. Sparks may reach far and kindle a fire if not prevented." This was in reference to a supposed prophecy or prediction, of which the following account is given in the Advocates' Library MS. :—

When Alexander Fraser, the Tutor, lived at Tomich, in October 1666 about eleven at night a bright light was seen about the mansion house and offices, but no great notice was taken of it the first night. The next night, about the same time, some of the servants observed it and were much terrified by it. They also heard a voice, they said, addressed to them, requesting them to tell their master, the Tutor, to repair to the Church of Beauly, and that he would there find upon the altar an answer to what had so often troubled his mind. The voice naturally increased their terror, so much that they had not the courage to move until daylight, when they informed their master of what they had seen

and heard, but he gave no particular heed to their statements. Next night, however, about the same hour, the same light and voice surprised the Tutor himself, the voice commanding him at his peril to go to the Church of the Priory, where, upon the altar, he would find a piece of parchment written in Gothic characters, unfolding the future fate of the Lovat family. The light then vanished, and the Tutor, as soon as daylight set in, taking two of his servants along with him, obtained the key of the Church from the officer in charge of it, and going towards the altar they found placed upon it a piece of dark antique parchment, with the following doggerel, all the initial letters being red, with a St. Andrews cross before each of them:—

Real offspring o' the Duke of Guyse,
 Draw your forces to a head,
 Now act the men, for otherwise
 Your renown's for ever dead
 Your ruins are contrived all—
 That join with Bisset for your arms.
 The flaming Hills* will work your fall,
 If courage prevent not your harms.
 Quit credulous and facile minds,
 Childish, foolish, vain conceits,
 Let not gilded glasses blind
 Your judgment about land debates,
 Mark bosom foes, love yourselves,
 Lay aside intestine jars,
 That loose sinews break the nerves
 Of the best devisèd wars.
 My ghost is grievèd at the lot
 Of my offspring's courage broken,
 Rouse, you believe them not,
 Observe the distich underwritten.

The distich was as follows—"Sed mora damnosa est, nec spez dubitare remittit dum super est. Cuncti ad arms."

The Tutor, says the author of the Wardlaw MS., "gave me the parchment next day, which I transcribed literally and several copies of it were spread through the North. I kept it and showed it to hundreds. Different persons

* The armorial bearings of the family of Tarbat.

were suspected to have been the contrivers of this sham apparition, and to be the authors of these lines; for it was not thought then that there was any apparition in the case, but that some, seeing that the family of Lovat was like to fall wholly under the management of the family of Tarbat, were apprehensive they might ruin it, which they had very nigh affected about forty years after that, and that some who wished well to the family of Lovat took this method to put them on their guard." It seems, however, to have impressed the mind of the dying Lord Lovat, who, in April, 1672, finding his end had come, requested the Rev. James Fraser of Kirkhill to administer to him the Sacraments of the Church, which his Lordship received very devoutly. He, however, lived for a day after, and spent them "in the most pious and devout ejaculations," until he breathed his last on Saturday the 27th of April, 1672, in the 29th year of his age, having been Lord Lovat for 26, since the death of his grandfather in 1646. His biographer says that "with this great man the hopes of the Frasers died. While he lived they enjoyed tranquility, peace, and plenty, and feared no attacks from their neighbours nor intestine divisions among themselves. Never was grief more sincere than upon this occasion. Every eye was full of tears and every heart full of terrors." He "was humane, affable, easy of access, and obliging to everybody. He obtained among the country people the title of 'Uisdean Greannor'; that is Hugh le Debonair, though his early unhappy marriage before he knew himself or the world knocked him, as it were, on the head, and in the end gave him the finishing stroke. His discontent preyed upon his vitals, yet you would seldom see a frown on his lively and comely face. He had a sound head, solid judgment, and a kind heart. He was unalterable in his affections, resolute in his purposes, and fortunate in his enterprises, though one false step marred all. I mean this unhappy marriage. He was quite free of the fashionable vices of the times, wh---g and drinking, which he would neither indulge in himself nor suffer in others. He was truly religious, without affecta-

tion, and devout without show or vanity. His funeral obsequies were truly splendid and magnificent. Upon the 9th of May, the day appointed for that solemnity, at 8 o'clock in the morning, the coffin, covered with a velvet mort-cloth, was exposed in the court, in the open air opposite the door of the hall, the pall set above it supported by four poles, the eight branches of the escutcheon being fixed to eight poles, and fixed in the ground, four at each end of the coffin. Two hundred men in arms and liveries formed an avenue. Through this avenue the chief mourners walked six abreast to receive the strangers, so that none could pass or repass to cause the least confusion. There were four trumpeters in the chamber above the staircase, who sounded an alarm upon the approach of every new company, who always alighted at the Cross, where they were received by the mourners and conveyed by them through the avenue of armed men to the entry, which was all hung with black on each side. The pavement, stairs, and doors were painted black. Thus they continued until mid-day, after which no more company arrived. The entertainment was truly noble. Between twelve and one o'clock the trumpets gave the mourning sound, upon which all march forward to the last man. Then the mourners raise the coffin and the pall above it, supported by four poles, each of which was held by a mourner at each corner. The first four branches of the escutcheon was carried by four mourners before the coffin, and the second four carried after it, two trumpets sounding before and two after. Thus all march in procession through the armed men in a row on each side. At the end of the town was a stately horseman in bright armour, back and breast, with a bright helmet on his head, a drawn sword in one hand and a mourning spear in the other. He led the van, with two mourners in hoods and gowns, on each side of the reins, and so rode on to the Church at the Ferry, as if they had come with tidings from the tomb. Two stately horses started up all covered with mournings, led by two grooms, masked and covered with black mantles, and in this posture stepped forward,

following the man in armour. From the west end of the moor to the Kirk-stile, a mile in length, the armed brigades were drawn up and marched in order, while some of them formed a line on each side through which the whole procession passed slowly in the order already described. The Earl of Moray brought 400 men from Morayshire, with their drums covered with black. There were 1000 Frasers, with their Colonel, Thomas of Beaufort, at their head. There were a great number of armed Mackenzies, Munros, Rosses, Mackintoshes, Grants, Macdonells, and Camerons. There were 800 horse, of which 60 were from the town of Inverness. There were 80 churchmen at this interment, among whom were 22 Frasers, the Bishops of Moray, Ross, and Caithness, and the enormous gathering of people was truly grand. At the church stile the pall is set up and the coffin received by the Earls of Moray and Seaforth, Lord Tarbat, Ross of Balnagowan, Munro of Fowlis, Fraser of Beaufort, Strichen, and the principal friends of the family, who carried it to the church, and placed it before the pulpit, which was all covered with black, as were also Lord Lovat and Strichen's pews. After singing and prayer the Rev. James Fraser, minister of Kirkhill, preached the funeral sermon from Samuel ii., 3rd and 38th—'Know ye not that their is a prince and a great man fallen this day in Israel?' About 4 o'clock the ceremonies and interment had been completed, and the retreat was sounded by the trumpeters, when all the different companies march off with their banners displayed, the foot of each clan first by themselves, and then the horse; the Frasers standing still on the field south of the church, doing honour to every clan as they marched past, and at last they marched with sound of trumpet and tuck of drum until they arrived above the Ferry, where they were dismissed."

His Lordship married, as already stated, in July 1659, when only sixteen years old, Anne, second daughter of Sir John Mackenzie of Tarbat, Baronet, and sister of Sir George, first Earl of Cromarty, with issue—

1. Hugh, his heir and successor, born early in 1666.

2. Anne, who, born in March, 1661, married Patrick, second Lord Kinnaird, with issue—Patrick, who succeeded as third Baron, and another son Charles who became fifth Lord.

3. Isabel, who, born in 1662, married, as his first wife, Alastair Dubh Macdonell, XI. of Glengarry, with issue—an only daughter, Anne, who married Roderick Mackenzie, IV. of Applecross.

4. Margaret, who, born in 1666, married Colonel Andrew Munro.

His Lordship made a transmission of the estates, before the birth of his only son, in favour of his eldest daughter Anne, Lady Kinnaird, and his other daughters in succession, in terms of which Anne was *infest base*, during her father's life, in 1666. The estate was, however, by the same deed of transmission declared redeemable by the heirs-male on payment of suitable provision named therein for his three daughters, and accordingly when an heir was born to him in 1666, the estate was redeemed, the ladies receiving payment of their respective portions when the transmission in their favour became extinct.

Lord Hugh died in his house at Beauly on the 27th of April, 1672, and was interred in the manner already so graphically described, in the Church of Kirkhill, on the 9th of May following, and was succeeded in the title and estates by his only son,

XVI. HUGH, ELEVENTH LORD FRASER,

Then only six years of age. He does not appear to have been served heir to his father, but to have possessed the estate in right of his apparencey. His uncle, Sir George Mackenzie of Tarbat, afterwards first Earl of Cromarty, assumed the whole management of the Lovat estates into his own hands on the death of the late Lord, and took his Lordship to reside with himself at his residence of Castle Leod, in the valley of Strathpeffer. He then handed over the entire administration of Hugh's affairs to the Earl of Seaforth, with Hugh Fraser of Belladrum acting under the

Mackenzie chief as local administrator or factor of the family estates, without the slightest regard or consideration for the young Lord's relatives, who were legally entitled to manage his affairs, such as Thomas Fraser of Beaufort, his grand-uncle, James Fraser of Brea, Simon Fraser of Inverallochy, and Thomas Fraser of Strichen, all near relatives who had a right to be called and consulted, and to have the first offer made to them of at least the local management of the Fraser estates. But they were entirely ignored. The young Lord being now settled in his maternal uncle's house, his eldest sister, Anne, then about thirteen years of age, was sent to Edinburgh to complete her education, and the second, Isabel, about eleven, was sent to the school of Chanonry, under the care of her aunt, the Countess of Seaforth, while the youngest, Margaret, was sent to her grandmother, Lady Collintoun. His Lordship's father having been an only son, Thomas Fraser of Beaufort, Hugh's only surviving granduncle, was entitled to become Tutor-at-law, but he also was excluded from his lawful position, and lived privately at Tomich.

The young Lord remained in the family of his uncle, Sir George Mackenzie of Tarbat, for nearly six years, during which period his country and people are said to have been greatly oppressed. In 1677, in his twelfth year, he was removed from Castle Leod to Hugh Fraser of Belladrum's house, where he was placed and continued under the care of "proper tutors" until he went to the University, where he made very little progress. According to the friendly family chronicler, "he was too soon a Lord to make any other proficiency at the University than the name of being there, though his capacity had been much greater than it was, for he was always but a man of very weak intellects." A writer, already quoted, says that "Lord Hugh was naturally a very dull spirit. He was practically educated in the Lord Tarbat's house, who since the time his sister married his (Hugh's) father had always a design to ruin the family or join it to his own, for he was an inconceivable enemy both of the family of Lovat and Seaforth. Thomas Fraser

of Beaufort being imposed upon by Tarbat, he suffered him to manage his nephew and estates, he (Thomas) having all the casualties to keep his family as representative of the name. Tarbat, after sixteen years' intromission with the estate of Lovat, left it worse than he found it, and never paid a penny debt, and destroyed the clan and kindred, to whom he was always a sworn enemy. He found himself a vast sum in arrears to his nephew, and he patched up a match between him and the Marquis of Atholl's daughter, when he was but seventeen years. The marriage was thus concluded without the knowledge of Thomas, his uncle, or any of his kindred, and in the year 1687 Lord Hugh, who was very young, entirely ignorant of the world and of his own affairs, married Lady Amelia Murray, daughter to the Marquis of Atholl, which unhappy match has almost accomplished the barbarous and long-continued designs of the Lord Tarbat to win the family of Lovat and extirpate the name of Fraser out of the North of Scotland, where they have lived in a good correspondence with all their neighbours these five hundred years, except the Macdonalds, with whom they fought most famously and desperately (the Macdonalds being four to one), and continued in bad blood with them for several ages."

Shortly after Lord Lovat returned home, the Revolution which, in 1688, placed William of Orange on the throne of Great Britain took place. The Duke of Gordon and John Graham of Claverhouse (Viscount Dundee), were the only prominent men of position in the South and East who adhered to the banished King James, and their hopes of success laid entirely in the attachment of the Highland clans, by whom Dundee was so much beloved. On the 11th of November he, at the head of thirty of his cavalry, left Edinburgh and set out for the Highland mountains. With these he passed through the counties of Perth, Forfar, Aberdeen, Moray, and Nairn, and, on the 1st of May 1689, effected a junction with Coll Macdonald of Keppoch, who had laid siege to the town of Inverness at the head of 900 men. Coll had already captured several of the leading

citizens and held them as hostages until his demands for payment of a sum of 4000 merks had been complied with. Dundee succeeded in bringing about a compromise. Keppoch accepted 2000 merks, and Dundee gave him his personal bond for its due payment. The Magistrates had already sworn allegiance to the Prince of Orange, but Keppoch as part of the arrangement now come to stipulated that they should re-swear fidelity to their lawful sovereign King James, and he compelled them to do so. What followed, and especially the history of the battle of Killiecrankie, is so well known that it need not be here detailed, but an incident is brought out in the history of the Frasers in connection with it which is worth recording.

Lord Hugh had married, as already stated, Lady Amelia Murray, daughter of John Marquis of Atholl and sister of the first Duke—a union “which was the fatal source of many mischiefs that followed to the family and its representatives to the almost total extinguishing of it.” The family historian here quoted goes on to say “that the Earl of Tullibardine, the eldest son of the Marquis, who was in a high degree of favour with King William, being Commissioner to the Scots Parliament, and Secretary of State for Scotland, got a commission from his Majesty to raise a regiment. As he met with considerable difficulty in raising the men he prevailed with his brother-in-law, Lord Lovat, to accept of a Captain’s commission in that regiment, not doubting but his Lordship would soon raise what would complete it. But when his Lordship came North, and the clan were informed that he had accepted a Captain’s commission under Tullibardine, they thought themselves so highly affronted that it was not in his Lordship’s power to raise ten recruits, and he was so piqued at it himself that he declared he only accepted the commission to give it to his cousin, Simon Fraser, eldest son of Thomas Fraser of Beaufort, who was then at the King’s College, Aberdeen, studying the law after finishing the ordinary course of philosophy.” On this subject Simon himself says that he

was sent early to King's College, Aberdeen, where he was a distinguished student, took his Master of Arts degree, and began the study of the civil law, which he was induced to give up in 1695 to assume the command of a company in a regiment raised by Lord Murray, son of the Marquis of Atholl, in the service of William and Mary. His cousin, Lord Hugh, who had been married to a daughter of the Marquis, accepted a commission in this regiment, but according to Simon's Memoirs his Lordship "was soon convinced that every gentleman of his clan was in the highest degree scandalised at the affront he had put upon them in accepting this infamous commission. He therefore wrote to his cousin, Simon of Beaufort, who was at the time at the Royal University of Aberdeen, entreating him to quit his studies, though he had just taken his degree of Master of Arts, and was entering upon the science of civil law. Lord Lovat declared in the most solemn manner that he would ever regard him as his son and the representative of his house, and that with these views he had just accepted a commission in the regiment of his brother-in-law, Lord Murray, that he might bestow it upon him, and thus bring him forward most advantageously in the world. Simon was animated with the most vigorous zeal for the interests of King James; he had already discovered this disposition under the command of General Thomas Buchan, and he had been three times thrown into prison for his exertions in the Royal cause before he attained the age of sixteen. He accordingly wrote a letter to his cousin (in 1694) full of the bitterest invectives, telling him that he had forever lost his honour and his loyalty, and that possibly he would one day lose his estates in consequence of the infamous step he had taken; that for himself he was so far from consenting to accept a commission in the regiment of that traitor Lord Murray, that he would immediately go home to his clan and prevent any one man from enlisting into it." Simon kept his promise, if we may believe himself, "and being regarded by the whole clan as the heir apparent of the family," he was able to exert so much

influence over them that his cousin Lord Lovat could not raise three recruits for his new company on all his estates.

Simon, however, soon after visited Lord Murray by special invitation at his seat of Huntingtower, near Perth. The conversation turned on the raising of the regiment, and the refusal of Simon to accept the commission offered to him by Lord Lovat. Simon was still obdurate, declaring his attachment to King James, and abusing his cousin, Lord Lovat, for having accepted it contrary to the dictates of his honour and conscience. Lord Murray thereupon invited him to a private interview in his closet, where he swore to him "that his design in accepting the regiment from King William was, that he might have a regiment well trained and accoutred to join King James in a descent he had promised to make in the ensuing summer." Simple, innocent Simon's honour, in the words of Dr Hill Burton, "revolted against taking arms in support of King William, but he had no objection to entering his service, with the intention of betraying his trust and doing the work of the enemy." "After so many protestations of loyalty," he, according to his own account, fell into the snare spread for him by Lord Murray, returned home to enlist recruits, and in a short time raised a complete company almost entirely composed of the young gentlemen of his clan. He, however, did not get the command of it, but was obliged to satisfy himself with a lieutenancy of Grenadiers. He did not even succeed in getting his commission as Captain until he brought three hundred recruits to the regiment and even then had to make compensation in money to the officer who made room for him, an act of treachery on the part of Lord Murray which he declares to be "of a very infamous nature." In the following year, 1696, Lord Murray insisted upon all the officers of the regiment signing the oath of abjuration, which many of them, being well-known Jacobites, protested against. Simon was again invited into Lord Murray's private closet for an explanation, but we are left in doubt as to whether he took the oath

or not. He, however, continued to serve in the regiment for some time afterwards.*

Another writer gives additional details and describes what occurred between Lord Lovat and his vassals as "a remarkable instance of a desertion of a chief by his clan." Lord Lovat, "powerful in point of influence and property, neither the one nor the other," continues this writer, "was able to act on his followers in opposition to what they considered their loyalty and duty to an unfortunate monarch. Immediately after the Revolution Lord Tullibardine, eldest son of the Marquis of Atholl, collected a numerous body of Atholl Highlanders together with 300 Frasers under the command of Hugh Lord Lovat. These men believed they were destined to support the abdicated King, but were in reality assembled to serve the Government of King William. When in front of Blair Castle their real destination was disclosed to them by Lord Tullibardine, instantly they rushed from the ranks, ran to an adjoining stream, and filling their bonnets with water, drank to the health of King James, and then with colours flying and pipers playing marched off to join Lord Dundee, whose chivalrous bravery and heroic and daring exploits excited their admiration. The influence of the chief and their attachment to him was of no avail, and under Alexander, eldest son of Thomas of Beaufort, the Frasers joined Dundee. After the battle of Killiecrankie, where the brave Dundee fell, Major-General Cannon, who assumed command of the Royalist forces, marched to Dunkeld, where he was joined by the remaining forces of the Frasers in full force, having been in the meantime assembled for that purpose by Lord Lovat, the chief having now decided to follow his vassals as they would not follow him, and they took part in the desperate attack on Dunkeld, then defended by the Cameronians, described as "a body of religious enthusiasts from the West of Scotland." Cannon's attacking force were repulsed, with great slaughter, and the Highlanders, seeing no probability of success in the Stuart cause under such an incapable com-

* *Memoirs of his Life* by himself, pp. 9 to 18.

mander, returned home. The marshalling of his men under Dundee is the only public scene in which Lord Lovat appears to have taken any prominent part, and his conduct on that occasion does but little credit to the representative of an ancient and illustrious warrior race.

By his Lordship's contract of marriage, dated the 18th of May, 1685, when about eighteen years old, Hugh Lord Fraser of Lovat, with consent of his curators, on the one part, and Lady Amelia Murray, daughter of John Marquis of Atholl, on the other, he resigned the lordship and barony of Lovat and others, in favour of the issue male of his marriage with her or of any other marriage, in default of whom to his heirs whomsoever of the said marriage, with a preference to the eldest daughter, without division, marrying a gentleman of the name of Fraser. A charter of resignation and confirmation followed upon this contract, dated the 22nd of February, 1694. But this destination was subsequently altered by his Lordship by a deed dated the 26th of March, 1696, granted by him in favour of his granduncle, Thomas Fraser of Beaufort, upon the narrative that, being of an easy temper, he had been imposed upon to grant a bond of entail to his daughters, failing heirs-male of his body, contrary to the clauses and provisions in the old original rights and infestments of the estate; and that, being unacquainted with the affairs of his family, he had been induced, failing heirs-male of his own body, to dispone his estates to his daughters by contract of marriage and other deeds done since that time; and being desirous of preserving the succession in the male line, he therefore now disponed his estate, failing heirs-male of his own body, to his granduncle, Thomas Fraser of Beaufort, and his heirs-male.

In this same year, 1696, Lord Lovat, accompanied by his brother-in-law Lord Murray, and his cousin Simon, went to London to be presented to the King. Having "devoted much of his time and attention to the taverns of London, an occupation in which he would be disinterestedly aided by his cousin," he paid the penalty in

a broken constitution, and found his health and strength giving way with alarming rapidity.

Simon, whose full acquaintance we shall make later on as the notorious Lord Simon of the 'Forty-five, in the *Memoirs of his Life*, written by himself, says that, in so far as family affairs were concerned, this visit to London was very successful, for "Lord Lovat declared that he regarded him (Simon) as his own son, and as Lord Atholl had urged him to execute some papers at his marriage which might perhaps be prejudicial to the claims of Simon as his male heir he obliged the young laird [Simon himself] to send for an attorney, and made a universal bequest to him of all his estates, in case he died without issue male, leaving the ordinary dowries to his daughters, and annulling and abjuring what at any time he might have done in opposition to the ancient claims of his house in favour of male heirs." This statement has been found accurate in every detail, except that Simon erroneously says that the deed was made out in his own favour, the fact being that it was granted in favour of his father, Thomas Fraser of Beaufort. The date of this deed, the 26th of March, 1696, corresponds with Simon's visit to London, and Dr Hill Burton, already quoted, says that it is creditable both to Simon's discretion and filial duty that this, which was the first remarkable instance of his influence over other minds, should have taken this direction in getting the deed made out in his father's favour. He was, however, far from forgetting himself. There is a bond by this Lord Hugh extant among the Lovat documents, dated in London, on the 26th of March, 1696, by which his Lordship binds himself and his representatives to pay Simon 50,000 merks Scots, equal to £2757 15s sterling, "for the special love and affection I bear to my cousin, Master Simon Fraser, eldest lawful son to Thomas Fraser of Beaufort, and for certain onerous causes and others moving me."*

Lord Hugh, whom his cousin, afterwards Lord Simon,

* *Lives of Simon Lord Lovat and Duncan Forbes of Culloden*, by John Hill Burton, pp. 14 and 16.

describes as a youth of contracted understanding and facile disposition, married, as already stated, Amelia, daughter of John Marquis of Atholl, and sister of the first Duke of that family, with issue—

1. Lady Amelia, who, born in 1686, married, in 1702, Alexander Mackenzie of Frasdale, son of Roderick Mackenzie of Prestonhall, brother of George, first Earl of Cromarty, one of the Lords of Session, and Lord Justice Clerk of Scotland, with issue, of whom in the sequel.

2. Anne, born in 1689, and in 1703 married, first, Norman Macleod, XVIII. of Dunvegan and Harris, with issue—one son, Norman, who carried on the succession of that family. She married secondly, Peter Fotheringham of Powrie, with issue; and thirdly, as his third wife, John, second Earl of Cromarty, also with issue.

3. Catherine, who married Sir William Murray of Auchtertyre, with issue.

4. Margaret, who died unmarried.

His Lordship became seriously ill at Dunkeld on his way home from London. From here he was sent back to Perth, where he died on the 4th of September, 1696, without male issue, whereupon the succession opened up to his granduncle,

XVII. THOMAS, TWELFTH LORD FRASER,

Who was the only surviving son of Hugh, the ninth Lord. It has been said that Thomas of Beaufort never assumed the title, but that is not the case. He in fact did so immediately on the death of Lord Hugh; and Simon, his second son, on the assumption that his eldest brother, Alexander, was dead, took the title of Master of Lovat. There are several documents extant to which the new baron appended his signature as "Lovat." His right was, however, disputed by Lady Amelia Fraser, eldest daughter of the last Lord, under her father's marriage contract already quoted. She not only claimed the Lovat estates under this deed, but the succession to the peerage in addition. In this she was supported by her maternal uncle, the Earl of Tulli-

bardine, at the time Lord High Commissioner for Scotland, who, according to Burton, "had the authority of a monarch in right of his office, and sometimes greater power in virtue of his abilities." As this matter was fought throughout and finally disposed of between the Atholl family and the notorious Lord Simon of Lovat, they will be more appropriately discussed when that remarkable man's career is dealt with under our next head, except in so far as a few details may be necessary to maintain the continuity of the narrative. Part of Tullibardine's plan was, no doubt, to marry the Lovat heiress to one of his own sons. This project was soon, however, discovered to be unattainable, for the Frasers would have none of the Murrays to rule over them, and it was then resolved by the Earl of Atholl to have his granddaughter the heiress married to a Fraser, the eldest son and heir of Lord Saltoun, who it was supposed would be more popular with the clan, and through whom it would be easier to ruin the Lovats, so detested and bitterly hated by the Earl. This plan also miscarried, as will be fully seen presently. It brought out a strong letter of protest from Lord Thomas and fifty leading gentlemen of the clan, addressed to Lord Saltoun and his son. It was not, however, signed by the Master himself although it bears every trace of his having been the author of it. "We have put on a full resolution," says this document in one of its leading paragraphs, "to defend our lands, possessions, goods, lives, wives, children, liberties, and privileges of free subjects which lie at the stake, against all invading and insulting avarice, ambition, and oppression, *pro aris et focis contra omnes mortales*—the King's majesty, his authority and laws only excepted."*

The story handed down by Simon's biographers about the attempted abduction of the Lovat heiress, Amelia, eldest daughter of Hugh, eleventh Lord Fraser, admits of a good deal of correction. The Lady is said to have given her consent to an elopement and a marriage with the Master of Lovat, as heir-male, in order to put an end to all strife and contention about the succession to the estate and titles,

* This letter is printed in full, *State Trials*, xiv., p. 356.

and the arrangement to carry out this voluntary abduction on her part was entrusted to Fraser of Tenechiel, who removed her from Castle Dounie, during a severe winter night, with such haste that she had no time to put on her shoes or stockings and walked away barefooted in the snow. Fraser, however, becoming frightened or consciousness-stricken as to the consequences of his act, returned the young Lady to her mother and told her of the intrigue, when the heiress was at once sent for safety to one of the Atholl strongholds at Dunkeld. All this is said to have occurred, and must have done so in so far as it is true, in 1696, when the young Lady was only nine years old. Major James Fraser says that the Marquis of Atholl "took away the oldest daughter" (of Lord Hugh) "who was nine years of age into his dwelling house at Atholl, by which means he thought to secure the estate against Lord Simon."* And the dates available prove that the age stated by the Major is practically correct. Her father's contract of marriage is dated the 18th of May, 1685; she was born in 1686; and the attempted "elopement" took place in 1696, so that Miss Amelia could not at that time have been more than ten years old, and probably, as Major Fraser says, only nine complete. Referring to this incident Lieutenant-Colonel Alexander Fergusson, the editor of *Major Fraser's Manuscript*, after giving the old and hitherto generally accepted version, says—"But another face is given to the tale by the Major, on whose authority we are made aware of the extremely tender age of the damsels who has hitherto been made to figure as a heroine in a romantic elopement. It seems probable that those in charge of her forgot to put on her stockings before they made off with her. And perhaps, after all, Fraser of Tenechiel, who was entrusted with the affair, and is accused of having been faithless in his task, was apprehensive of a serious charge being made against him of stealing the child."† Whatever may have been Simon's intentions in

* *Major Fraser's Manuscript*, Vol. I., pp. 107-108.

† *Introduction*, Vol. I., p. 36.

getting the heiress removed from Castle Dounie he could have had no idea of marrying her at that tender age. The probability is that she was to be taken care of in some secret and secure place until she arrived at mature years, when no doubt, had he succeeded in his plans, a marriage would have taken place.

The Dowager Lady Lovat still resided at Castle Dounie, and in the autumn of 1697 Lord Saltoun and Lord Mungo Murray, a brother of the Dowager, paid her a visit there in the innocent hope, it is said, of being able to arrange all differences about the succession and the other questions in dispute between the two families of Atholl and Lovat. The Master of Lovat was at the time in Stratherrick, where he gathered together a few armed men with the intention of meeting Lords Saltoun and Mungo Murray on their way from Castle Dounie, which he learned they were on the point of leaving, and discuss the object of their visit with them. Lord Saltoun, he says, had previously arranged to meet him to talk over their affairs amicably, but these engagements were only made to be deliberately broken, and a final arrangement that they should meet on the road on the very morning of their departure, Lords Saltoun and Mungo Murray attempted to defeat by starting early in the morning on their journey home. If the Master is to be credited, it was simply for the purpose of counteracting this manœuvre and forcing an interview that, very early on the 6th of October, 1697, he set out from Stratherrick at the head of a few of his sturdy followers, by Inverness, to Bunchrew, where he met their Lordships. In a letter written immediately afterwards, intended for Sir John Hill, Governor of Fort-William, he gives an account of what took place. He says—

“There happened an unlucky accident that is like, if God and good friends do not prevent it, utterly to extirpate not only my father’s family but the whole name of Fraser. What they are and were in this and preceding Governments I believe you sufficiently know. The thing is this. Notwithstanding that we are all convinced that my Lord Atholl does desire to marry the pretended heiress to one of his grand-children, yet to divide our name in factions he

did give out that he desired to give the heiress to my Lord Fraser of Saltoun's son. This Saltoun being a very wordly man was very greedy of the thoughts of it, and my father, being informed that he did design to prosecute the matter without asking the consent of the name, wrote a letter to him, and fifty gentlemen subscribing it with him, to forbid Saltoun to meddle in the affair without the consent of the name, and particularly not to come to this country until he was called, otherwise that he would make a breach that he could not make up. Notwithstanding of this fair advertisement, he came and intruded upon us, and made it his whole business to calumniate me to my friends, and to tell them that I had no right, and that I gave over all my pretensions to him. All the people I spoke to cried out against me upon this head, so that I found not only my interest but my reputation at the stake, which made me write a line to my Lord Saltoun to meet me in the head of the country, to give answer to all that I had to say to him in fair and honourable terms. Instead of keeping the appointment, he took horse immediately, and sixteen horsemen, well armed and mounted, and as I came two miles from Inverness, I was surprised to hear of his coming. I had eight horsemen with me, all without pistols, save one and myself, and my father with a small party of foot had crossed Lochness to meet with Saltoun. I was so incensed against Saltoun and his calumnies, and slighting to meet with me or my father, that I was resolved to die or to be fit sides with him. So as I was with these eight gentlemen riding to the meeting, Saltoun appears with his sixteen horse. So I told those who were with me I desired to fight him, and accordingly we went on, and when they were within pistol shot, we desired them to stand and fight. So there was none of them that would stir save Saltoun that cocked one of his pistols. So we cried out that they behoved to fight or be taken, and accordingly I came and took Saltoun's pistols from him, and all the rest stupified with their arms before them. They were so many in number that we could not venture in among them to disarm them, but stood with our arms presented, till we sent for some foot, and then made them all prisoners, and kept them in a house, every one separate from another. I know that this unhappy accident may ruin not only me but the whole name, who have unanimously joined with me. But I hope that your clemency, that was always ready to preserve the people that you were among, will now be apparent to preserve this poor name and family, and all the relations that will venture with them. My Lady Lovat and I are upon a treaty, and she has written to you to send no forces against us, because I told her that my pledges were my security, and that they would certainly suffer before me or mine. Upon all my honour this is the true account of the matter, and I throw myself at your feet, hoping that you will give me your advice, and do what lies in your

power, which is much, and to preserve the lives of 1500 that are ready to die with me, who am yours while I live.

(Signed) SIM. FRASER."

This account was probably near the truth, but as a specimen of Lord Simon's exaggerated style in later years it may be stated that in the *Memoirs of his Life* written by himself, the "sixteen horsemen, well armed and mounted" of his letter to Colonel Hill at the time swells out to "more than forty," and instead of sending for more foot before they could venture to disarm the sixteen, as mentioned in the letter, he, according to his later account, disarmed them all himself, without any assistance, even from his own followers. The passage is in the following characteristic terms:—

"Since, however, the two Lords had more than forty horsemen behind them in the road, the Master of Lovat (himself) gave orders to all the gentlemen of his party to present their carbines to the breasts of Lord Saltoun, Lord Mungo Murray, and the persons who were already come up, and to fire upon the first person who moved hand and foot, while he alighted from his horse and disarmed the remainder of the troop as they arrived. In this manner the Master of Lovat took from the enemy more than forty pair of pistols, together with a number of swords, without the smallest resistance from any individual, except the valet de chambre of Lord Saltoun, who was a Lowland Fraser, and who would not give up his arms till the Master struck him a blow upon the head with the flat side of his sword. In the meantime the nine persons of whom the Master's troop was composed were insufficient to guard about forty persons, with their horses, to the house where the Master of Lovat resolved to hold them in durance. He therefore despatched one of his company to muster the infantry of the province, which is constantly well armed and equipped, and animated with the most incredible zeal in the service of their chief. They assembled in crowds; and Lord Lovat himself soon arrived, together with almost every person who lived for some miles round; so that in less than six hours Lord Lovat and his son mustered between six and seven hundred brave Frasers, completely armed, under the walls of Fanellan, which was the seat to which the Master caused the two Lords and all their attendants to be conducted."*

Next day after this capture, Castle Dounie, where the Dowager Lady Lovat resided, was seized and her Ladyship

* *Memoirs of the Life of Simon Lord Lovat*, written by himself in the French language, translated from the original MS. and published in 1797.

was for some time kept prisoner in her own castle. Lords Saltoun and Mungo Murray were taken first to Fanellan, where the following morning they could see from the windows of the tower a huge gallows which had been erected over night for their edification if they in any way misconducted themselves or gave unnecessary trouble. They were afterwards removed to the Island of Aigas, where they were lodged in a "creel" or wicker house, in those days common in many parts of the Highlands. Lord Saltoun was soon after allowed to depart, his health having broken down under his treatment, and Lord Mungo Murray was a few days later set at liberty.

Simon's next act was his forced marriage with the Dowager Lady Lovat and the brutal violation of her person. This he afterwards indignantly and persistently denied, but the evidence against him is overwhelming.

This is how he represents his conduct in his *Memoirs*— "As two of the persons most actively concerned in the project of Lord Saltoun were still with the Dowager Lady Lovat at the seat of Beaufort, the Master now dispatched a gentleman of his clan with thirty followers to bring them prisoners to Fanellan, at the same time directing him to place a guard upon all the avenues of Beaufort House to prevent the Dowager from sending to her father, in opposition to Lord Lovat and his son." And he then declares, with the most unblushing disregard of the facts regarding the monstrous crime of which he had elsewhere admitted himself guilty, that "whether, however, the persons that the Master had sent to apprehend the conspirators committed any insults upon the domestics of the house or upon their prisoners, the Dowager Lady Lovat exclaimed warmly that she was insulted and made a prisoner, as she said, in her own house. Accordingly she made her complaint to the Marquis of Atholl, her father, and to her brother, the Earl of Tullibardine, at that time one of the Secretaries of State for Scotland. During the whole transaction, the Master of Lovat had remained at a distance from the Dowager, at the house where his prisoners were confined;

and those persons who were sent to Beaufort were guilty of no sort of disrespect to her person. In the meantime, out of this natural and temperate procedure, unaccompanied with either attempt or design against the person of the Dowager, Lord Atholl and his son created that chimerical monster of a rape and violation with which they blackened the character of the Master and his friends." He then, after describing his position and birth, indignantly spurns the idea that he should "commit the smallest violence upon a widow, who was old enough to be his mother, dwarfish in her person and deformed in her shape, and with no other fortune than a jointure of two hundred and fifty pounds a year, which itself was dependent upon his good pleasure as Master of Lovat." This statement about the lady, particularly about her age, is not true. She was at this time only thirty-four years and Simon was in his thirtieth, so that the discrepancy in their ages was not very great after all.* Notwithstanding this denial his father, Lord Lovat, at this time, sent a letter to the Duke of Argyll unmistakably written by Simon himself, in which he said to his Grace—"We have gained a considerable advantage by my eldest son being married to the Dowager of Lovat." The evidence will be detailed at length presently, but under this head Lord Lovat's letter to the Duke of Argyll, which he subscribes "Lovat" and which is also signed by Thomas Fraser of Struy, William Fraser of Culbokie, William Fraser of Foyers, William Fraser of Erchit, Alexander Fraser of Culduthel, John Fraser of Little Garth, and Thomas Fraser of Gortuleg, may be given. It is marked by the characteristic diplomacy of Simon, although he does not personally sign it, and is in the following terms:—

"My Lord,—The entire friendship which the family of Lovat had with and dependence upon that of Argyll, grounded upon an ancient propinquity of blood, and zealously maintained by both through a tract and series of many ages, has emboldened me, with several of my friends, to address unto your Lordship by these, giving account of

* See Introduction by Lieutenant-Colonel Fergusson to *Major Fraser's Manuscript*, p. 48, Vol. I., and Appendix I., Vol. II., p. 158.

our circumstances, and craving your Lordship's advice and assistance in this present juncture. We have gained a considerable advantage by my eldest son's being married to the Dowager of Lovat, and if it please God they live some years together our circumstances will be very good. Our enemies are so galled at it that there is nothing malice or cruelty can invent but they design and practise against us; so that we are forced to betake us to the hills, and keep spies at all airts, by which among many other difficulties, this is one of the greatest, that my daughter-in-law being a tender creature, fatigue and fear of bloodshed may put an end to her, which would make our condition worse than ever. They'll have us impeached for a convocation and making prisoners of the Lord Saltoun, and Lord Mungo Murray, with half a dozen other gentlemen, for which we were charged by the Sheriff, compeared before him, were fined, obtained a discharge of our fines, and secured the peace. Also they'll have my son and his complices guilty of a rape, though his wife was married to him by a minister, and they have lived always since as man and wife. My Lord, if all our enemies had descended to the blackest cell in hell, and there had studied the most wicked and cruel revenges their malice or the place could invent against us, it needed not surprise any, considering that their design of appropriating the estate and following of Lovat to themselves, is made liable to more difficulties by that match. We have many advertisements that Atholl is coming here in person with all the armed men he is able to make, to reduce us to duty, and that without any order from the King or his Council. If he come, so we are resolved to defend ourselves, the laws of God and nature and the laws of all nations, not only allowing but obliging all men, *vim vi repellere*. And I should wish from my heart, if it were consistent with divine and human laws, that the estates of Atholl and Lovat were laid as a prize, depending upon the result of a fair day betwixt him and me. But these times being gone, and the King and his laws coming into their place (a far better way of preserving the body politick), we expect that your Lordship will employ all your interest with His Majesty to obtain us and all our complices a remission and discharge of all crimes, riots, delicts, and all diligences raised, or to be raised upon them against us, with an order to set the pretended heiress in a neutral person's custody, until the rights and evidents of the estates be produced, and the pretence of both parties debated before the session. If this be not immediately done, the pretended heiress will be married to the Earl of Tullibardine's son, which will certainly occasion much disturbance and bloodshed in this end of the world (for we will not be commanded and oppressed by any stranger), by which the King will lose subjects that might serve him for better use, and your Lordship will lose good friends, whose place our enemies will never supply. It's our misfortune that the King did not reside within

his dominions, and more, that our enemies had his ear. But we are confident that His Majesty, being fully informed of the affair, such a wise prince will rather prevent the miseries and calamities of his subjects than punish the instruments that would occasion them; especially, your Lordship not only giving a true and candid account of the case, but also obviating all calumnious representations which beyond all peradventure will be obtruded. If your Lordship do not own and defend us, we are ruined, and really, though we have deep resentments of the friendship and kindness shewed us, and will have perpetually of that and what shall be done us hereafter, yet that we use not many profuse apologies. For this trouble we hope your Lordship will excuse us; for if we be razed and extinguished, as the design is, who will be more blameable than the Earl of Argyll for letting his old relations, faithful friends and dependents and sword vassals perish, while the reaching out of his hand might (under God) deliver them. Let me be free to tell you, that your Lordship is obliged, by the bonds of nature, of friendship, of superiority, of fealty, in conscience and in honour, to own us as a part of yourself. My weakness, by age, anxiety, and fatigue, will, I fear, deprive me of the honour to kiss your Lordship's hand; but when my son has the freedom to go where he pleases, there be several material points which he will communicate to your Lordship, by which you will be convinced of a fair method for our standing, and particularly, of a way by which our old friendship may be fortified and perpetuated, and we become more your Lordship's than ever, if more can be. Thus resting and reposing ourselves in a secure confidence and hope that God will bless all our lawful and honest endeavours, and preserve and prosper all those who will concern themselves for us, particularly your Lordship, we do with all sincerity, respect, and becoming deference continue and remain ever, my Lord, your Lordship's most affectionate faithful and humble friends, vassals, and servants,

(Signed)

" LOVAT.

" THOMAS FRASER of Struy.

" WILL. FRASER of Culbokie.

" WILL. FRASER of Foyer.

" W. FRASER of Erchiett.

" ALEX. FRASER of Culduthell.

" JO. FRASER of Little Girth.

" THO. FRASER of Gortuleg."

But the statements in the foregoing document are not all the personal admissions preserved about this marriage. Simon himself in a letter addressed to his friend, John Forbes of Culloden, dated the 26th of October, 1697, says that "these Lords at Inverness, with the rest of my implacable enemies,

does so confound *my wife* that she is uneasy till she see them. I am afraid that they are so mad with this disappointment that they will propose something to her that is dangerous, her brother having such power with her." And again, in a letter to the same, dated the 23rd of November following—"I am very, very hopeful in *my dear wife's* constancy if they do not put her to death."* These admissions must be kept in mind when Simon's denials are met with later on. It has indeed been maintained by some of his more friendly biographers that the Dowager was not only attached to him, but that she considered her separation from him and her return to her own family a great sacrifice, and Dr Hill Burton, who is not at all favourably disposed towards him, says that this view "is not without some support from documents, which show that the lady would not join in the criminal proceedings against" him. He, however, in after life regarded his brutal treatment of her as a mere youthful frolic.

The Atholl family were determined to punish and if possible ruin him for his conduct to one of the ladies of their household. The Marquis of Tullibardine, her brother, was at the time practically supreme in Scotland. He had the whole power of the Executive at his disposal, and after some preliminary threats he resolved upon invading the Lovat territories by a military force, and for that purpose had recourse to the Privy Council, who at his instance issued Letters of Intercommuning against father, son, and clan, dated the 18th of November, 1697, the principal injunctions of which are as follows:—

"We hereby most strictly prohibit all our lieges and subjects whatsoever, specially neighbouring with the said Beauforts, elder and younger, and their complices, that they in no ways visit, assist, abet, or aid with meat, drink, or any other provisions, or any other manner of way whatsoever, the said Beauforts, or any of their complices, certifying all such as shall presume to do or act in the contrary they shall be held and reputed as partakers, art and part, with the said rebels, and punished accordingly, with all rigour. And farther, we do hereby command and charge all our said subjects to withdraw and

withhold from and drive out of the way of the said rebels all manner of help, comfort, and relief; as also all their horses, cattle, and other goods, whereby they may be in any ways helped, comforted, or relieved, under all highest pains. Likeas, in further detestation of the said crimes, and for the better punishing thereof, we do hereby, with the advice foresaid, promise to any of our good subjects, or even to any of the complices the said Beauforts, who shall bring in the said Beauforts, or any of them, dead or alive, the sum of two thousand merks of reward."

Three months later, on the 18th of February, 1698, a commission is granted in favour of Lieutenant-Colonel Dalzell and other military officers "to search for, seize, and apprehend the said Thomas and Simon Frasers, and their accomplices, traitors, and rebels foresaid, and bring them in dead or alive," and the other clans were let loose upon them by an order which calls upon and requires the Sheriffs of Perth, Moray, and Inverness, "with such a number of the heritors, fencible men, and their tenants, under such leaders as are in use to command them in such cases, or such a number of the said men with their leaders, within any of their said respective shires as the said Lieutenant-Colonel shall find needful, to come forth in arms in feir of war, and join and assist him in execution of the premises, or to act separately by themselves, by and according to such orders and directions as they or any number of them shall receive from the said Lieutenant-Colonel, who is hereby sufficiently empowered to grant the same as he sees cause, until the said traitors and rebels be effectually subdued and reduced, and the persons of the said Thomas and Simon Fraser are brought in dead or alive." Authority is then given to garrison places of strength and declaration made "that whatever slaughter, mutilation, blood, fire-raising, or other violence, shall happen to be acted, done, and committed by all or any of the foresaid persons, hereby authorised to march against the said rebels, or to join and assist in seizing, reducing, and bringing them in dead or alive, as said is, the same shall be held as laudable, good, and warrantable service to His Majesty and his government, and the actors and accessories thereto, shall be, and are

hereby fully indemnified and secured thereanent to all intents and purposes." A considerable force took the field in terms of these orders and conditions, but the number has been largely magnified by Simon in his account of the after proceedings; for he speaks of them as "the several regiments of cavalry, infantry, and dragoons," whom he invariably defeats and baffles by a mere handful of his devoted Fraser followers. After a particular exploit, he tells us that "the Frasers after this enterprise, had some respite from the encounter of large armies; but they were daily harassed with flying parties from Inverness and Inverlochy, otherwise Fort-William. These were in small numbers, and the Master had always timely notice of their approach, so that he gave himself little trouble about them. He might if he pleased have cut them to pieces whenever they appeared. But as the regular troops had always displayed a clemency for his country, and a regard for his person, he treated them with as much mildness as was consistent with the safety of his clan." He then, accompanied by the principal gentlemen of the Frasers, paid a visit to his father at Dunvegan, Isle of Skye, and on his return, being anxious not to harass his whole clan, he dismissed those who carried arms in his train, except about fifty gentlemen he kept about him to guard his person. But Lord Atholl continued to have his spies looking after him, and that nobleman was informed "by three or four traitors of the Frasers" that he was now in perfect security on his estate of Stratherrick, where a small troop of resolute men might easily take him. The Marquis thereupon selected five hundred of his bravest men, and placed at their heads Lord James and Mungo Murray. He directed them to march only by night, to prevent discovery, and bade them never to see his face again, unless they brought along with them the Master of Lovat, dead or alive. They accordingly proceeded with great caution, well armed, and having as guides two Frasers, who engaged to take them by the most private and unfrequented paths. And they arrived at their destination before Simon heard of their intention. He was at the time at Inverness, where

he had gone to visit privately some of his friends, and had with him only three or four attendants. Here a messenger reached him from Stratherrick intimating that his estate was overran with the troops of Lord Atholl, with his two sons in command. Simon feared, not only that his house and estate there might be ruined, but that his relations in that part of the country might be unable to escape from the hands of the invaders. Instead therefore of withdrawing into his territories of the Aird, which he might easily have done from Inverness, he dispatched his four attendants at full speed to intimate their danger to his friends in Stratherrick, and to entreat them to join him upon the top of a hill, which he selected as a suitable place of rendezvous. He then proceeded thither, accompanied only by a single runner, through the woods and unfrequented paths, resolved to perish with his clan, or to save them from the hands of their remorseless foes. On his arrival at the appointed place he had the satisfaction of finding a hundred gentlemen and a hundred brave peasants under his standard in the short space of two hours. But the accounts which reached him very much magnified the number of the enemy, representing them as a regular army of from fifteen hundred to two thousand men, and the most prudent of his followers were in favour of retiring and abandoning the open country to their ravages. Simon, however, swore that he would never take so painful a step without first obtaining a nearer view of them, and that if he could not venture to meet them in the open field, he would at least hang upon their flanks, in order to stop them as much as possible from ruining the country. The gentlemen of the clan, who had no fear but for the safety of his person, finding him so resolute, agreed to follow him with the greatest pleasure. Having set out and arrived about sunset within three miles of the enemy's camp, he received exact information respecting their number from one of the guides of his own clan whom Lord Murray had imprudently sent to command the gentlemen of the country to come in before ten o'clock next morning to make their submission and to deliver up or abandon to him the

Master of Lovat ; and in case of disobedience, Murray swore that he would burn their houses, and not leave them as much as a cock to proclaim the dawn of day. Lovat says that "four days previous to this transaction Simon had assumed the title of Lord Lovat, having learned the melancholy news that his father was dead, in consequence of a violent march which he had made to avoid the enemy, who were reported to be setting out for the Isles in order to surprise him." He was much affected by the news "and swore that, having the authors of his father's death and of all his personal misfortunes before his eyes, he would now revenge himself in their blood or perish in the attempt." He found those who were with him equally ready to devote themselves to revenge the wrongs of their chief and the devastation of their country. He therefore sent back the same person to Lord James Murray with the message that Simon Lord Lovat, before ten o'clock the next morning, would certainly have the honour of waiting upon him sword in hand at the head of all the gentlemen whom he had appointed to meet him, and, although he had not half his usual complement of men, being intercepted from all communication with his estates of the Aird, Beauly, and Strathglass, by Loch Ness, which divided them from him, that he had yet the utmost confidence in the justice of his cause. Lord James Murray immediately called together his officers, drew up his men and took up his position upon very advantageous ground, having a steep rock behind him, and his front covered with the buildings of a small village. The Atholl men, considering themselves in perfect security, and satisfied of the small number that the enemy could draw together in that country, lighted a number of fires and began to prepare their supper. Simon at that time had about two hundred and fifty men under his command, half of them very poorly armed, the regular troops having on the occasion of their invasion the year before stripped the natives' houses and every other place of security of all the arms which they could find. He foresaw that if the enemy were permitted to repose for the night they would be much

better prepared for the battle which he was resolved to give them next morning. His friends were, however, against fighting that night, as they expected reinforcements from Abertarff and Glenmoriston. But Simon in the meantime resolved at least to beat up the enemy's quarters, and for this purpose selected fifty of his most active young men, and marched them within gunshot of the invaders. There they fired their first shot, and "immediately threw themselves down upon their bellies in obedience" to his orders. If at this moment he had all his men with him his enemies might have been all cut in pieces, without the loss of ten men. He was able to see their slightest movement by the light of their own fires, while they were unable to see him or any of his men at a distance of twenty yards. He then sent for the rest of his followers, for the purpose of making a decisive attack. But the leaders expressed their determination to wait for the expected reinforcements. Simon now perceived that nothing could be done that night and therefore drew off his detachment, leaving only twelve men to keep up a constant fire upon the foe. In the early morning he held a council with the gentlemen of his clan to decide upon the best manner in which to attack the Atholl men. He had in the meantime been joined by a part of his vassals from Abertarff, and his augmented force amounted to about three hundred, one half of whom were but slenderly armed, while the enemy numbered more than six hundred carefully selected and completely accoutred. Simon remarked to his friends that it was impossible to attack the enemy successfully in front because of the walls and houses with which they were covered. It was therefore necessary to resort to stratagem, and he proposed to detach fifty of his fleetest and most active young men under Mr Alexander Macdonald. This hero, the only man not of Lovat's own clan on this occasion among his followers, "was the famous Alexander Macdonald, otherwise called *Alister More*, on account of his gigantic stature, being the tallest man in Scotland, and not less celebrated for his brave exploits than for his prodigious height." He was of the

family of Keppoch but was related to the Frasers of Stratherrick, and Simon, knowing his fidelity, valour, and skill, had recourse to him to carry out this important part of his plan of operations. Macdonald at once agreed to take fifty young men, well armed, along with him and march to a height within sight of the foe, where he should draw out his small force in such an extended line as to lead them to believe that Simon, with his whole army, was in front of them. In the meantime Lovat, with the main body of his followers, would make a circuit of the rock that protected the invaders' rear, and take them in flank, while Macdonald attacked them in front. The proposal was unanimously approved by all concerned. Simon at once marshalled his followers and selected the men considered most suitable to accompany Alastair Mor, at the same time instructing Macdonald to gain the place appointed for him, and to remain there while Lovat and the main body filed through an obscure pass to the other side of the hill in the enemy's rear. Lovat, as soon as ready, would fire three shots as a signal, when Macdonald was instructed to march as near as possible to the huts in the enemy's front, and to fire upon them from the nearest point he could reach, with the view of dislodging them from their cover or throwing them into disorder. Lovat in the meantime would fall upon them sword in hand from the hill behind them.

Macdonald in terms of this arrangement marched to take up the position assigned to him, while at the same time Lovat set out to make the circuit of the hill. Having got within cannon shot of the Atholl men, without being yet in sight of them, he arranged his followers and despatched sentinels to reconnoitre. One of them soon returned with the intimation that the enemy was already in motion. Another came in saying that he saw them marching in great haste in the direction of Inverness. Simon and his band immediately ascended to the top of the hill, and perceiving that the Atholl men were actually flying away from him, made the pre-arranged signal, by the firing of three shots, to Alastair Mor to attack them. But Macdonald, who observed

the enemy running away “judged it better to outstrip them by the swiftest of his men, in order to stop them at a terrible defile, which was six miles onwards, and which it was absolutely necessary for them to pass. He observed that Lord Lovat and his men were at too great a distance to be able to come up with the enemy unless they were stopped at this defile. This quickness of memory on the part of Mr Macdonald was a proof of masterly skill, for, if the enemy had heart and spirit enough to rally and face Lord Lovat in the plain, they might have cut to pieces his whole force without any loss.” Simon at this stage entreated his men to march after the Atholl men in good order and on no account to break their ranks, but his followers replied with one voice—“If you choose to attend to your regular manner of marching, you may do as you please. But for our part we will come hand to hand with these rascals, or burst our wind in the pursuit.” Saying this, and without waiting for further orders, they immediately broke away after the enemy and “he was the bravest man who could run the fastest. Lord Lovat ran for three miles along with them on foot, and almost naked. He was now obliged to mount on horseback, without either boots or spatterdashes, in order to stop the foremost of his troop, who rushed upon the enemy like so many madmen. A rear guard of only fifty men might at this moment have totally destroyed the Frasers, but the enemy thought only of flight. They had been informed by one of their spies that they were surrounded on all sides, and they saw no other means of safety; they were, however, immeasurably astonished, when, as they approached the defile which afforded their only means of escape, they saw it in possession of Alexander Macdonald and his fifty fusiliers. They immediately stopped short; at the same time they saw the main body of the Frasers pursuing them. This body was now extremely dispersed. The very women of the country ran along with their husbands, conjuring them not to spare the murderers of their chief, and the villains who came to rob them of their all. The enemy, beholding this spectacle, and already impressed with the most lively

apprehensions, took it for granted that Lord Lovat's troop consisted of four times their number, though in reality it did not amount to one half their own.

Lord James Murray is said to have exerted himself to compel his men to engage, and to have drawn them up in line of battle. But the Stewarts of Atholl, who were animated with an instinctive hatred of the Marquis, and who had no quarrel with the Frasers, declared in the most peremptory manner to Lord James that they would demand quarter from the victor, and that they were ready to lay down their arms. Lord James was furious at this declaration. Lord Mungo burst into tears, seeing himself once more in the hands of Lord Lovat, and entertaining a well-grounded apprehension that their repeated breaches of honour and humanity had cancelled all the regard he had ever entertained for them." While this dispute among the enemy was in progress Lovat drew up his troops as they arrived, within musket shot of the Atholl men. As soon as they were formed, he gave orders to advance, but not to fire a shot, until he should discharge his own piece within pistol shot of the enemy, then to fire all at once, throw down their muskets, and fall upon the invaders sword in hand in front, while Alastair Mor and his band attacked their flank. The Atholl men now considered themselves entirely lost. They saw Lovat's troops advancing in perfect order, and immediately, instead of firing and defending themselves, they laid down their arms, and, covering their heads with their plaids, cried out for quarter. At the same moment Archibald Menzies, their Major, who had three years previously resigned his company of Grenadiers in the regiment of Lord Murray in favour of Thomas, Lord Lovat, then laird of Beaufort, ran in front of the enemy "with a white handkerchief or neckcloth, tied on a bludgeon, crying out for mercy. He advanced in order to throw himself at the feet of Lord Lovat. Two of the Frasers followed him, and demanded Lord Lovat's permission to kill him, but his Lordship cried out with a loud voice to spare him." He then threw himself prostrate on the ground and begged

his life, declaring that he had always been a friend of Lord Lovat, and had never done any injury to his territories. His request having been granted, he further said, "I am also come, my Lord, to demand quarter for the Stewarts, who are with your enemy, and have been forced upon this expedition as well as myself. They love you better than they do Lord Atholl and all his children." Lord Lovat replied that he could not listen to this proposal, and was sending him back to his commanders, to tell the Atholl men to resume their arms and defend themselves, otherwise he would cut them in pieces, for he was determined that day to avenge the death of his father and the tyranny of Lord Atholl and all his family against the Frasers of Lovat. But at this moment all the gentlemen of the clan present approached him and, in his own words, entreated him for God's sake to spare these miserable wretches. He and the most resolute young men among his followers "were peremptory for putting them to the sword; and many of his most valuable friends and relations have since blamed him for his lenity upon this occasion. But in fact he was not at liberty to act as he pleased. In spite of his eager desire to cut his enemy in pieces, he was obliged to follow the advice of his most venerable relatives and the heads of his clan. And these protested to him that it would be a real murder to kill people who had laid down their arms; that their clan would infallibly be exterminated if it were perpetrated; and that not a man in the kingdom would either assist or pity them. Lord Lovat therefore, to say the truth, in spite of himself, spared their lives a second time to the children of Lord Atholl, who had sought every means that hell could invent, and had put in practice both open violence and secret assassination, to put an end to his existence; though they in reality had no other cause of complaint against him than that he was born the true and legitimate heir to the estate of Lovat." He then compelled the two sons of the Marquis of Atholl and their followers "to swear upon a naked sword, after the manner of the country, a terrible oath, by which they renounced their claims in Jesus

Christ, and their hopes of Heaven, and devoted themselves to the devil and all the torments of hell, if they ever returned into the territories of Lovat, or occasioned him, directly or indirectly, the smallest mischief," and in addition to this they had to execute a document, containing the same oath, and an obligation, under the penalty of a large sum of money, to prevail upon the Marquis of Atholl, their father, and Lord Tullibardine, their brother, then Secretary to King William, to do justice to Lord Lovat, and to indemnify him for all the injuries which they had committed on him, his friends, and his estates. Having extracted these securities Simon drew up his followers in two files, "and in conformity to an example he had read in the Roman history, made these miserable cowards march, like so many criminals, between the ranks of his men, and obliged them immediately to quit his territories by the same road they had entered them." This memorable event his Lordship has designated the Day of "Allt-nan-Gobhar."*

While these military proceedings were in progress the civil law had been set in motion against the Master of Lovat for his crimes against the State, the Dowager Lady Lovat and the Atholl family. On the 27th of June, 1698, an action was commenced against Thomas and Simon Fraser and nineteen of the chief men of the clan "for high treason, in forming unlawful associations, collecting an armed force, occupying and fortifying houses and garrisons, imprisoning and ravishing persons of distinguished ranks,

* *Memoirs of his own Life*, pp. 78 to 96. I am indebted to Mr William Mackay, author of *Urquhart and Glenmoriston*, for a copy of a paper entitled "Ane Account of the Loss sustained by the Chissolm's tennents the eighth and ninth days of February 1698 years." It is backed "Ane Account of the Chissolm's losses be the Marquess of Athole's Children, 1698." From this it would appear that Lords James and Mungo Murray and their followers had made a raid upon the country of the Chisholms before they invaded Stratherrick. The total amount of the loss sustained, according to this account, was £260 18s 4d Scots; the places spuizied in Strathglass being Kerrow, £64 9s; Meikle Comar, £12; Comar Kirkton, £10; Carrie, in Glen-cannich, £134 9s 4d (one of the sufferers being William MacAlister, from whom was taken, among other things, "six quarters of *Tartan* at a mark the ell" and "a dirk worth 16s"); and Breckach, £40, all Scots money.

and continuing in arms after being charged by a herald to lay them down."

The following are the names of those finally charged and found guilty, sentenced to death and their estates forfeited, their designations being those given in the Court records— Captain Simon Fraser, eldest lawful son of Thomas Fraser of Beaufort; William Fraser of Foyer; Hugh Fraser of Kinmonavie; William Fraser in Dalcraige; William Fraser of Erchitt; Alexander Fraser, Younger of Culduthel; Hugh Fraser, *alias* "Uisdean Og," in Leadclune; Alexander Fraser, in Ruthven; John Fraser, his brother; Alexander Fraser, son to Farraline; Alexander Fraser, son to Migavie; James Fraser, brother to "Lithgaveh"; Thomas Houston, son of the minister of Stratherrick; Æneas MacBayne, brother to Drummond MacBayne; Hugh Fraser, son to Struy; Hugh Fraser, Younger, in Bochruben; John Fraser, brother to Culduthel the Elder; Major Thomas Fraser, Elder of Struy; Hugh Fraser, brother to Erchitt; and John Fraser, Younger of Migavie.

The diet was deserted in the case of Hugh Fraser of Boleskine; Thomas Fraser in Shewglie, brother to William Fraser of Erchitt; John Fraser in Aberskie; Hugh Fraser, son to Culduthel the Elder; James Fraser, son to the said Culduthel; John Fraser, also son to the said Culduthel; John Fraser, son to Tenechiel; and John Macdonald, brother to Achadh-riach, all of whom were originally charged along with those found guilty and sentenced. An "eminent constitutional lawyer" supplies the following account of the trial:—

Mr Hugo Arnot in his *Collection of Celebrated Criminal Trials in Scotland*, from 1536 to 1784, says that Captain Simon Fraser's was the only case he knew of since the Revolution in which a person was tried in absence before the Court of Justiciary, a proof led, a jury inclosed, a verdict returned, and sentence pronounced forfeiting life and estate, honours, fame, and posterity. "The first instance of this tyrannical mode of procedure was the illegal sentence upon the Rebel Covenanters after the battle of Pentland, which was afterwards rescinded by Act of Parliament." Those at

Bothwell Bridge had similar treatment meted out to them, and the same was repeated after the defeat of Monmouth. The trial of Simon Fraser is, he says, "one of the most singular prosecutions in our criminal record, whether we respect the stretch of law that was made to convict the absentee, or the savageness of his conduct, or the absolute dominion that he possessed over his followers, and directed to purposes the most shocking to human nature. By the law of Scotland, outlawry, even for treason, inferred the forfeiture only of personal estate. It was sanctioned by statute that trials for treason could not be taken in absence; but that the whole accusation, argument, and evidence should be led in presence of the accused, and not otherwise. So anxiously did the professional lawyers adhere to this form that, as our jurisprudence admitted, under certain limitations, of trial after death for this heinous offence, on such occasions the bones of the deceased were dug out of the grave and formally presented in Court." But when the Covenanters were defeated at Pentland, a desire to arm insulted Majesty, "or to enrich the servants of the Crown with unlawful spoil" induced the Ministers of Charles to attempt, in the absence of the accused, the trial of the Covenanters and the forfeiture of their estates. And although the disposition of the Parliament of the time justified the Government in coming to the conclusion that the Legislature would not hesitate to pass a law to this effect if called upon to do so, "yet it suited better the views of a tyrannical Administration to operate this innovation in law by the decree of judges who were appointed and might be removed at pleasure than by the authority of the Great Council of the Nation." It can scarcely be credited that in these more favoured days a state of affairs like this was possible within such a comparatively short distance of the time in which we live.

Before the Court of Justiciary introduced this innovation, so "little idea was then entertained of its supremacy and infallibility," that the Court of Session was consulted on the point. "After tampering with the judges" a memorial was

laid before them by the Lord Advocate of the day and Lord Bellenden, Treasurer-Depute, stating various arguments, by inference and analogy, to show that if Parliament could proceed to forfeit after death why not the Court of Justiciary also in absence, since “what is just before Parliament, is just and warrantable before other judicatories.” Upon this memorial and statement the Court of Session delivered an opinion declaring that upon sufficient proof being laid before the judges and the assize, they might proceed to sentence and to forfeit persons guilty of high treason in absence. Thus fortified, the Lord Advocate prosecuted in absence several gentlemen, and on a verdict being returned against them by the jury the Court of Justiciary sentenced them to death as traitors, whenever they were apprehended, and their whole estates, real and personal, to forfeiture. From a consciousness of its illegality this sentence was afterwards solemnly ratified by Parliament. Trial in absence was thus adopted as a part of the law of Scotland, “and in consequence two of the most distinguished personages in the nation, the Duke of Monmouth and Fletcher of Saltoun, were condemned and forfeited, the former *when dead*, the latter *when out of the Kingdom*. Had the torrent which overwhelmed the lineal succession of our Sovereigns issued pure from the fountains of liberty, and in its wide and rapid course been contaminated by no foul stream, trial in absence would have been enumerated in the list of those illegal and grievous assumptions of power upon which the Estates of Scotland declared King James to have forfeited his right to the Crown. And the opinion of the Lords of Session on this head, as well as on the other two cases stated in the ‘Claim of Right’ would have been declared to be contrary to law. But it was deemed prudent to preserve this statute as a security for the good behaviour of the numerous exiles who followed their Prince to the Court of St. Germain. A law was accordingly passed rescinding the Act of 1669, c. 11, in so far as it ratified the forfeiture of the Covenanters, but not repealing the Act itself, which might be turned as an engine of oppression upon the party which contrived it.

It must be acknowledged, however, that King William's Ministers made no rigorous exercise of this law. The Earls of Melfort, Middleton, and Lauderdale, and ninety gentlemen were summoned before the Court of Justiciary in one day (on the 23rd of July, 1694) to stand trial for various points of treason ; in particular, for entering into the French service when that State was at war with his Majesty, and for rising in arms against the King." They did not appear, and only sentence of outlawry was passed upon them. The remainder of Arnot's narrative and the evidence led against Simon will now be given in his own words—

Tyrannical as this statute was, he says, Captain Fraser could not have been convicted upon it but by an obvious wresting of the law ; for it authorised trial in absence only in cases of treasonable rising in arms and open and manifest rebellion.* Now it is absurd to construe the collecting of an armed force for the purpose of private rapine into treasonable rising in arms and open and manifest rebellion.

The substance of the indictment against Captain Fraser was, that he and his associates came to a house belonging to Mr Fraser of Strichen, and there entered into an unlawful bond of association for the prosecution of certain wicked designs ; that they raised a body of four or five hundred men in arms, in order to support Captain Fraser's pretensions to the estate of Lovat, that they seized the persons of Lord Saltoun and Lord Mungo Murray, and made them close prisoners for six or seven days in the house of Fan-ellan, erected gallows before their windows, and afterwards carried them by force to islands and mountains, and treated them very harshly ; that Captain Fraser and his associates marched in form of war to the house of Castle Dounie, the seat of the Lady Dowager Lovat, garrisoned the house, plundered the effects, and put armed guards on the different apartments, and attempted to compel her Ladyship to agree to certain deeds which they endeavoured to extort from her ; but she remaining resolute, the Captain, all of a sudden,

* Records of Justiciary, 27th of June, 12th of July, 5th and 6th of September, 1698.

took up the mad and villainous resolution by forcing her to marry him; that accordingly one of his associates, Mr Robert Munro, minister of Abertarff, pronounced the marriage ceremony; that the Captain, by the aid of his associates, did commit rape and forcible abduction upon the person of Lady Lovat, attended with circumstances of excessive barbarity; and that they continued in arms, after having been charged by a herald to lay down their arms, set the lady at liberty, and surrender themselves prisoners. His Majesty's Advocate represented to the Court that by an Act of Parliament by King James VI. summonses at his Majesty's instance "against islandmen, highlandmen, or borderers, *ubi non patet tutus accessus* be made at the mercat cross of the head burghs of the next shires in the Lowlands"; that Captain Fraser and his followers continued in arms and open rebellion, and therefore craved their Lordships to grant warrant for an edictal citation being executed against the defenders, which was accordingly granted.

On the 5th of September, 1698, his Majesty's Advocate proceeded in the trial, declaring that he insisted for forfaul-
ture in absence against Captain Fraser and nineteen other gentlemen specially named, and that he restricted the libel against the defenders to treasonable rising in arms and open rebellion, with all the aggravations charged in the indict-
ment. The Court found the indictment thus restricted, and thus presented, relevant to infer the pains of treason, after which the proof was proceeded with—

Alexander Fraser, Younger of Balnain, deposed, that at the time specified in the indictment he saw a paper sub-
scribed by some of the accused and delivered to Lord Fraser, of the tenour of the bond of association now read in Court. He was at Fanellan when Lord Saltoun and Lord Mungo Murray (brother of the Dowager Lady Lovat) were brought prisoners, and were there committed to close custody, and gallows erected before the windows of the apartments where these Lords were confined. He saw then, at Fanellan, about two or three hundred men in arms, under the command of Captain Fraser, and different parties

of armed men were sent to and fro between the houses of Fanellan and Castle Dounie. He was also at the latter of these houses, where he saw Lady Lovat and also Captain Fraser, and a number of armed men standing sentry in the house, and even on the threshold of my Lady's apartment. He went to my Lady's chamber door, whom he heard sighing ; but the bagpipes were playing in the next room ; this was about daybreak, and my Lady's women were in another room weeping, and sentinels standing over them.

Thomas Fraser of Garthbeg, in September preceding, saw Captain Fraser and others, to the number of sixty or seventy men in arms, horse and foot ; the Captain thanked them for assembling so readily, and desired them to be ready at a call. In October, Captain Fraser and the deponent coming from Inverness, met in the wood of Bunchrew Lord Saltoun and Lord Mungo Murray, who were returning from Castle Dounie. The Captain gave orders to his followers to seize Lord Saltoun dead or alive, went up close to them with cocked pistols, and commanded them to yield themselves prisoners. Lord Saltoun asked for what cause ? to which the Captain replied, "because it was his pleasure." These Lords were dismounted from their own horses, disarmed, put upon mean ponies, surrounded by guards with their muskets levelled and dirks drawn, and thus conducted to the house of Fanellan, where they were kept prisoners for several nights in separate apartments, under strict guard. The deponent saw the Fiery Cross and heard the coronach sent through the country ; upon which between three and four hundred men assembled at Fanellan under command of Captain Fraser, who detached a party to the house of Castle Dounie, where sentinels were put upon the rooms, particularly my Lady's chamber, for seven or eight days. He heard the Captain demanding oaths of fidelity of such of the gentlemen of his name as he suspected ; and such as he did not suspect he only took their promises ; and some of them did swear, and some promise.

Robert Spence saw Lord Saltoun and Lord Mungo

Murray carried prisoners by Captain Fraser to the house of Fanellan, where they were confined about a week in separate apartments, and sentinels placed over them. Lord Saltoun and Lord Mungo Murray were then carried to Castle Dounie, and the force commanded by Captain Fraser at this time consisted of about five hundred armed men, marching with two pair of colours. The men were sworn upon their dirks to be faithful to the Captain and never to desert him. They kept Lady Lovat prisoner for some time at Castle Dounie, and afterwards carried her along with them. When the Captain heard that Lord James Murray, with some gentlemen and a party of red coats were coming to rescue my Lady, he again set the Fiery Cross to summon the country to rise in his defence, and he continued in arms till about Christmas.

John Munro, late footman to Captain Fraser, saw the Captain and the whole other persons now insisted against (for forsaulture) and about three hundred more, with colours displayed and the pipes playing, under the Captain's command at Fanellan the night Lord Saltoun and Lord Mungo Murray were made prisoners. He saw the men drawn round the colours and sworn upon them and upon the points of their dirks to adhere to the Captain. He heard the coronach the night Lady Lovat was carried from Castle Dounie. About Martinmas the herald left his charge against the Captain, etc., "in a cloven stick at the river side, opposite the isle of Aigas," and afterwards the Captain and others continued for some time in arms.

Amelia Reoch, late servant to Lady Lovat, deponed that Captain Fraser, with a party of armed men came to Castle Dounie. He put sentinels with drawn swords upon and within Lady Lovat's chamber, made her three waiting-maids be carried by force out of the room and detained prisoners. About two in the morning two armed men carried the deponent back to my Lady's apartment, whom she found sitting on the floor, her hair dishevelled, her head reclining backwards on the bed, Donald Beaton pulling off my Lady's shoes, and the Captain holding feathers and aqua vitæ to

her nose, her Ladyship being in a swoon. They commanded the deponent to take off my Lady's clothes; but she spurned at the deponent with her feet, showing the greatest reluctance; upon which Fraser of Kinmonavie held up my Lady in his arms; the Captain pulled down her petticoats, and sought a knife from Hugh Monro to cut off her stays, but he having none, the Captain ordered Kinmonavie to cut them off with his dirk, which was done accordingly. The deponent was put out of the room, and when she was going over the close (court-yard) she heard my Lady's cries, although the bag-pipes were playing all the time in the next room to her Ladyship's. In the morning when the deponent returned, she saw my Lady's head hanging over the bed-stock, her face swollen, and her Ladyship to all appearance out of her judgment; she spoke none but gave the deponent a broad stare; even some days after she did not know her own brother, Lord Mungo Murray; and when Dunballoch's lady came into the room and called Lady Lovat "Madam," she answered, "Call me not Madam, but the most miserable wretch alive."

Janet Fraser deponed that Lady Lovat's waiting-maids were forcibly turned out of her room by Captain Fraser about twelve o'clock at night. My Lady clung to the deponent, and when she was torn from her Ladyship, fell on her face on the floor. Next morning when the deponent saw my Lady, her head was hanging over the bed, and she was out of her judgment, mistaking the deponent for Lady Catherine Murray, Lady Lovat's sister, who had been dead for several years.

Christian Maclean deponed that on the night of the "sham marriage" she was in the next room to Lady Lovat, and notwithstanding the bag-pipes were blowing all the while she heard my Lady crying, and sobbing, and praying, "The Lord have mercy upon my soul."

Leonard Robertson of Straloch, said that he had negotiated articles of stipulation for the Dowager Lady of Lovat and Lord Mungo Murray; that she signed them, but that instead of being released in terms of them the sentinels

were doubled and Robertson himself was imprisoned. Having complained to Captain Simon he was allowed to see her Ladyship, "whom he saw in a very disconsolate position," and softly spoke in his ear, "For Christ's sake take me out of this place, either dead or alive." He observed that her face was swollen, and she fell into a swoon while he was present. "The next time he saw my Lady was that when the Laird of Culloden and the deponent came to the water side near the Isle of Aigas; and Captain Simon having come over to them by boat, the deponent desired to see my Lady, which he shunned, telling him that my Lady did not desire to see him; and the deponent replied that it was not done like a comrade, seeing that it was reported in Inverness that my Lady was dead, or near expiring. Captain Simon answered that he should be soon cleared of the contrary, and returning into his boat, he caused bring out my Lady in their sight, but so weak that she was supported by two men, and then carried her back again to a little house upon the island."*

The jury returned a unanimous verdict finding the indictment proved, and all the parties guilty as libelled; and the Court adjudged them to be executed as traitors at such time, place, and manner, as their Lordships should appoint, "their bodies to be dismembered, their goods to be forfeited, their name, fame, memory, and honours to be extinct, and their arms to be riven furth and deleted out of the books of arms, so that their posterity may never have place, nor be able hereafter to brouk or enjoy any honours, offices, titles, or dignities, and to have forefaulted all their lands, heritages, and possessions whatever." This verdict and sentence were pronounced on the 6th of September, 1698.

At the same court Thomas Fraser of Beaufort; Alexander Fraser, son to Mr James Fraser, minister of Kirkhill; Robert Munro, minister of Abertarff; James and Alexander Fraser, brothers to Garthbeg; Duncan Tavish, officer to

* *Somers' Tracts*, XII. pp. 443-44, not given in Arnot's account.

Strichen ; John MacAlister, Younger ; —— MacAlister, his brother ; —— MacVuller, miller to Strichen ; Alexander Fraser, sometime in Bochruben ; Donald Dubh Mac Allan, in Drummond ; John Fraser, Younger of Drummond ; William Fraser, his natural brother, there ; Martin Cameron, in Glendo-beg ; Angus Macdonald, brother to Keppoch ; Alister Mor Macdonald ; Hugh Fraser, son to Mugavie ; Hugh Fraser, brother to Mugavie ; William Fraser, in Knockie, tenant to Strichen ; Alexander Mac Luiston, Younger, in Bolochardich ; Thomas MacAlister, there ; Alexander Macdonald, there ; Thomas Fraser, Mac Uilliam Vic Ian, servant to Foyer ; Donald Manntach Mac Ian, in Lagbuy ; Donald Bayne, Mac Ian, Mac Alister, brother to Glenmoriston ; Donald Gruamach ; and William Fraser, son to Tenechiel, were charged with participating in rebellion, in open arms, with Captain Simon Fraser of Beaufort, and with taking part in the capture of Lord Saltoun, of Lord Mungo Murray, and in the outrage upon the Dowager Lady Lovat. None of them appeared, and they were all put to the horn, their moveable goods and gear forfeited, and themselves pronounced outlaws and fugitives from the laws, which was pronounced for doom in the usual way in such cases.

The Lord Advocate at the outset abandoned those parts of the charge which related to the private offences against the Dowager Lady Lovat and the members of her family, "probably for the purpose of keeping within the Act already quoted which limited trials in absence to charges of high treason," and in this way made sure of obtaining a conviction against them.

It appears that soon after the military arrived in the north, and when force was opposed to force as foretold in the letter to the Duke of Argyll, Simon considered it prudent to send his father for safety to his (Thomas's) wife's nephew, Roderick Macleod, XVII. of Macleod, at Dunvegan Castle, Skye, where he died in May, 1699, and was buried in the Churchyard of Duirinish, where Simon erected a freestone monument to his memory, with a white marble

slab inserted in it on which was cut the following inscription :—

“This pyramid was erected by Simon Lord Fraser of Lovat in honour of Lord Thomas, his father, a peer of Scotland, and Chief of the great and ancient clan of the Frasers. Being attacked for his birthright by the family of Athole, then in power and favour with King William, yet, by the valour and fidelity of his clan, and the assistance of the Campbells, the old friends and allies of his family, he defended his birthright with such greatness and firmity of soul, and such valour and activity, that he was an honour to his name, and a good pattern to all great Chiefs of Clans. He died in the month of May, 1699, in the 63rd [should be 68th] year of his age, in Dunvegan, the house of the Laird of Macleod, whose sister he had married; by whom he had the above Simon Lord Fraser, and several other children. And, for the great love he bore the family of Macleod, he desired to be buried near his wife's relations, in the place where two of her uncles lay. And, his son, Lord Simon, to show to posterity his great affection for his mother's kindred, the brave Macleods, chooses rather to leave his father's bones with them than carry them to his own burial place near Lovat.”*

Thomas of Beaufort married in April 1665, Sibella, third daughter of John Macleod, XIV. of Macleod, by his wife, also Sibella, daughter of Kenneth, first Lord Mackenzie of Kintail, with issue—

i. Alexander, who is said to have been born in 1667. When Dundee raised his standard in 1689, and fought the battle of Killiecrankie, the young Master of Lovat is said to have been the first, at the head of his clan, to join him. A story is recorded of an incident which occurred at a wedding or a funeral near Beauly, the accuracy of which is accepted so far by both parties to the controversy about the Lovat peerage. We have always heard it was at a *wedding*, but Anderson in his *Historical Account of the Family of Fraser*, p. 127, says that “a dispute having arisen at a *funeral* at Beauly, near Inverness, he killed a man and dreading the effects of his passion fled to Wales where he died without male issue,” and he adds in a foot-note that the “incident is given on the testimony of Simon Fraser, natural son of Simon Lord Lovat, nephew to Alexander, who was

* *History of the Macleods*, pages 120-21.

examined judicially before the Sheriff-Substitute of Inverness, upon the 15th of October, 1823, on the family pedigree." The story as we heard it related by old people was to the effect that at a wedding at Teawig in the house of a man named Chisholm at which Alexander was present, dressed in full Highland garb, the piper struck up the well-known dancing tune, "Tha Biodag air Mac Thomais." The Master of Lovat took it into his head that this was intended as a personal insult to himself, and to be revenged on the offending piper he drew his dirk and plunged it into the bag of the pipes, intending, by letting the wind out of it, to silence himself and his instrument for the night, but in his anger he drove the dirk home with such force that it passed through the bag into the heart of the piper, who immediately died from the effects of the wound. Fearing the consequences of his reckless conduct, Alexander fled to Wales, where he sought the protection of an old College companion, the Earl of Powis, where according to the present Lovat family, he died, as Anderson says, without male issue, but where, according to Mr John Fraser, the claimant to the Lovat Peerage in the House of Lords in 1887, he left male issue, from whom, he maintains, he is himself lineally descended. According to the Lovat family, Alexander died without issue before 1692, while Mr John Fraser, his alleged descendant, maintains that he was married, had both male and female issue, and died in Wales at the extreme old age of 109 years in 1776. The Court of Session, however, decided on the evidence before it, in July 1730, that Alexander died without issue, and their Lordships on that ground adjudged the title and honours to his younger brother, the notorious Lord Simon of the 'Forty-five. And this decision, though illegal and of no effect as regards the peerage, was subsequently confirmed by a formal decision of the House of Lords in 1837.

2. Simon, who succeeded his father as Lord Lovat, and of whom in that capacity presently.
3. Hugh, who is said to have died young.
4. John, who was born about 1674 and whose name

appears repeatedly in his brother Simon's Memoirs. He was a Brigadier in the Dutch Army and is proved to have died in 1716. Lord Simon said in the course of his trial in 1747, referring to the rising of 1716—"In this expedition I lost my only brother, a brave young fellow," and in his letter to the Duke of Cumberland, dated the 12th of June, 1746, he made a similar statement. Douglas and Nisbet say the same, but it is by no means certain that John died unmarried, and without issue. In 1880, the late Mr Benjamin Homer Dixon, a well-known gentleman, and Consul-General for the Netherlands, in Toronto, wrote to the editor of the *Celtic Magazine* a letter which appears in the December number of that year, defending Lord Simon against reflections which had been cast upon him anent his forcible marriage with the Dowager Lady Lovat in 1697, and his alleged cruelty to his second wife. After dealing with the first-named charge and defending it on the ground among others that "forcible marriages with heiresses were common enough in Ireland for more than a century later," Mr Dixon proceeds—"It is also said that Lovat treated his last wife, Primrose Campbell, whom he married in 1733, with barbarous cruelty, which I can hardly believe, for, if so, her brother, the Duke of Argyll, would scarcely have continued to befriend the Master of Lovat. John Fraser (Simon's brother), was a consistent Jacobite to the last. He was outlawed, and to prevent any pursuit Lovat always gave out that his brother was dead. He, however, generally resided in France, but often visited Scotland under the assumed names of John Dubh, John Mac Thomas, and, I believe, also John Corsan. His daughter Katharine married, and had a daughter Elizabeth, my (Mr Homer Dixon's) grandmother, born in 1738. The Duke of Argyll was her godfather, and after she was grown up she was invited once if not twice to Inveraray Castle, and after she was married, in 1762, the Duke offered her some appointment about the Palace, which she declined. The Duke was Hereditary Grand Master of the Household in Scotland, some years after my grandparent's removal to Holland. Now the only

tie between them was that my grandmother was the daughter of his brother-in-law and Lovat's niece, and is it at all probable," he asks, "if Lovat had treated Argyll's sister so cruelly that the Duke would have continued his kindness to Lovat's connections?" The same writer says elsewhere that "the late Captain Fraser of Balnain, who served in the Peninsular War, but sold out in 1815, and died in 1860, believed that he (John Fraser) married Elizabeth, daughter of Alexander Fraser of Balnain, by his wife, a daughter of Fraser of Foyers." But it is not known or even seriously maintained that John left any male issue. Major James Fraser distinctly states that he died at his house in 1716. The Major made a claim against Lord Simon, among other things, for the board of his Lordship's brother John, "who was 27 weeks, with his servant, at the Major's House *incognito*, when the Major was at France seeking my Lord (Simon) home;" and, in this claim, he asked that "he should be considered for John's expenses, who lay nine weeks at his house in the year 1716, with a great conference of people about him, and doctors attending him till he died there."*

5. Thomas, of whom nothing is known.
6. James, who, with his brothers, Hugh and Thomas, appears to have died young.
7. Isabel, who died young.
8. Sibella, who married Hugh Robertson of Inshes.
9. Catherine, who reached womanhood; and five others who died in infancy.

Thomas of Beaufort, Lord Fraser of Lovat (whose wife predeceased him in 1679, having had a child in each of her fourteen years' married life) died at Dunvegan, Isle of Skye, in May 1699, when he was succeeded by his second son,

* *Major Fraser's Manuscript*, Vol. II., p. 120. David Douglas, 1889.

XVIII. SIMON, THIRTEENTH LORD FRASER.

He was still, and for many years afterwards, under the sentence of death passed upon him for high treason by the Court of Justiciary during the life of his father in the preceding year. His claims to the peerage, according to Burton, were then not very widely acknowledged nor had he much occasion to bring them under the notice of society. "Among his clan, this dignity was a trifle—something like a foreign order of knighthood held by a monarch—few of whom would know what it was, and none of them would think that either its existence or its absence could much affect the importance of Mac Shimi, their chief." This is only to a certain extent true, for the Highlanders were by no means so ignorant regarding the question of honours and dignities even then as not to be fully aware of the importance to their chief of possessing the ancient title of the Lordship of Lovat.

Simon is said to have been born at Beaufort in 1668, although in his *Memoirs*, p. 221, he makes certain statements which if, but cannot be, correct would make the date of his birth 1676. As he is generally acknowledged to have been in his eightieth year when executed in 1747 the first-named date is no doubt correct.

His career during the life of his father, who died in 1699, has been already sketched. This year, Simon, in clever and characteristic manner, succeeded in convincing the Duke of Argyll of the danger which his family might incur if he permitted the house of Atholl to crush the Frasers and bring them under the subjugation of the Murrays, and that the balance of power in the Highlands would be seriously disturbed, much to the disadvantage of the Campbells. This reasoning was so far successful with the Duke that he set to work to secure for Simon the Royal pardon for all his past offences, public and private. With this object

Argyll prevailed upon Lovat to proceed to London and make every effort on his arrival to procure a private audience of the King. In such a journey great precautions were necessary for a man having sentence of death hanging over him, but Simon proved equal to the occasion. He soon found his way to the English metropolis, but the King was absent on the Continent. Lovat followed him and managed to secure two important interviews with Royalty—one at the Court of the exiled King James at St. Germains, and the other with King William at Loo, where his Majesty then resided. He describes the proceedings of this journey at length and says that "King James having entreated Lord Lovat to make his peace with the reigning Government, in order to save his clan, his Lordship returned to London before King William set out for the Netherlands, but not having been able to obtain his pardon in form, he followed his Majesty to Loo, though then under sentence of death, having a letter of recommendation from the Duke of Argyll to Mr William Carstares, chaplain to the King, and who had so much influence with his master." This gentleman received him graciously and mentioned his arrival to the King the same day, whereupon William observed that Lovat must be a very bold man in coming so far while under sentence of death. Mr Carstares replied that Simon placed entire confidence in his Majesty's Royal promise made to the Duke of Argyll. The result was that the King ordered Mr Pringle, the Assistant Secretary of State who accompanied him, "to draw up his pardon in all the forms, and as ample as possible. I am desirous to indemnify him for everything that I can by the laws of the Kingdom, and I will not forget him." Mr Pringle accordingly drew up "an ample and complete pardon for every imaginable crime, that it might not be possible to evade it upon the subject of the pretended rape about which Lord Atholl made such a world of noise, and which had no other foundation than that nobleman's malice, in order to ruin Lord Lovat by the imputation of a crime that he had never so much as imagined." As soon as

King William signed this unlimited pardon, Lord Lovat dispatched his cousin Simon, son of David Fraser of Brea, express, in order to cause the Great Seal of Scotland to be affixed to it. "But whether this cousin," continues Simon, "who is an unnatural traitor, and a rascal worthy of the gallows, had at that time sold his chief for the money of Lord Athol, as he repeatedly did afterwards, or the timidity of Lord Seafield induced him to stop this pardon in its passage through the remaining forms, this much is certain, that the pardon executed in Holland was suppressed. Lord Seafield in the meantime caused another pardon to pass the Great Seal without Lord Lovat's having the smallest intelligence upon the subject, comprehending only his high treason against King William and his Government, thus affording an opportunity to Lord Athol still to prosecute his suit upon the subject of the rape."* There is no doubt that here as elsewhere Simon is drawing the long bow. It is established beyond question by the records of the Privy Council that the King refused to sign a pardon which would cover the crimes against private individuals for which Simon was at that very time a fugitive from justice, and while fully pardoned for all his offences against the State, he was still held liable to prosecution for his crimes against the Dowager Lady Lovat and the family of Atholl, for which he had not yet been formally tried by any Court of Justice.

The Earl of Tullibardine was so incensed at even the modified pardon granted to Simon that he resigned his great office, and immediately afterwards threw in his lot with those who opposed the King in the Scottish Parliament, then led by his brother-in-law, the Duke of Hamilton, believing at the same time that he would be received with open arms by the exiled Stuarts at the Court of St. Germain. In this he was not disappointed, and it will be seen in the sequel that he was subsequently able to give infinite trouble to Lord Lovat, who still maintained that he was as innocent of the rape charged against him on the Dowager Lady Lovat, who had ever since resided with the Marquis

* *Memoirs of his Life* by himself, pp. 97-106.

of Atholl at Blair Castle, as the child unborn, and he had the hardihood in brazening it out to order a citation to be served upon the Marquis and his family "by way of re-crimation, for having falsely accused him, and for the devastations they had made without orders from the Sovereign, in his provinces. He next made a progress through all the towns of the north, and the counties adjacent to his estate, where he was received in a very magnificent manner, and returned to Edinburgh with a retinue of a hundred gentlemen, who came as witnesses to support before the Court of Justiciary his action against Lord Atholl," including the two clergymen who married him to the Dowager Lady Lovat.

But the very day that had been named for Simon to support this charge against Atholl, the Duke of Argyll was informed by Lord Aberuchal, one of the nine Lords of Justiciary, that the families of Atholl and Hamilton had gained over the other eight judges, and that however clear Lovat's innocence might be he would not have a single voice in his favour on the bench except his own, "without an order from the King to oblige the Lords of Justiciary to do strict justice regardless of the interests of their relations and friends. These eight judges had been appointed to their office by Lord Tullibardine, the Secretary of State, and they considered their places as dependent upon their giving sentence according to his inclination." He already told us himself that Tullibardine had before this resigned office, a step which made it impossible for him to interfere effectually with the Judges of Justiciary by removal or otherwise. Inconvenient facts like these, however, had to make way for Lord Simon's narrative when consistency demanded their suppression. But to proceed with his version of the story.

He was sent for by the Duke of Argyll and the Earl of Leven, who informed him of what Lord Aberuchal had told them, and his two friends then urged "that it was necessary he should suffer himself to be cast for non-appearance, till the Duke should be able to speak to the

King, either to obtain a new pardon or an order to the Court of Justice to do justice to Lord Lovat, according to the laws of the kingdom, and the dictates of equity, without suffering themselves to be biassed by personal interests. Lord Lovat, conscious of his innocence, and having upon the spot so many witnesses to prove it, declared that he would not consent to the advice of the Duke of Argyll, but was resolved to bring the matter to an immediate issue. The Duke grew warm and remonstrated, before Lord Leven and the other Lords and gentlemen who were present, that if Lord Lovat were as innocent as Jesus Christ, the eight judges gained by his enemies would condemn him, and that, for his part, he would not give them that satisfaction," adding "that he would not part with Simon for a moment until he saw him on horseback ; and against the importunities of the other gentlemen present his Grace insisted on Lovat setting out immediately for the frontiers of England, where he should follow him in four days. Simon acquiesced, and set out to his own regret, as well as to the regret of every other friend he had in the world, who were not sufficiently acquainted with the corrupt and abandoned character of the judges." The date of the trial had been fixed for the 17th of February, 1701 ; Simon was duly called and outlawed for non-appearance. The Duke of Argyll met him as promised, and they proceeded together to London, where Lovat was at his Grace's house almost every day until he left for the Highlands to visit the chiefs of clans in the interest of the exiled House of Stuart, before proceeding to join the Court of King James at St. Germains, which he had now determined upon doing.

In the meantime having, according to himself, secured the approval of his friend and patron Argyll, he returned to the Highlands, calling on his way on several of the Jacobite heads of families in the Lowlands, with William Earl Marischal and the Earl of Errol, Lord Constable of Scotland, at their head, and expostulated with them in so spirited a manner and urged with so much force and effect

the interests of the exiled King, that he prevailed upon them and the Highland chiefs to grant him a general commission on their own account and on the part of all the loyal Scots whom they represented, to go into France, at the same time authorising him to assure the Court of St. Germains and the French King that they were ready to take up arms and hazard their fortunes in the interest of the Stuarts, and entreating them to send over their young monarch, with an officer to command them and the necessary succours for such an enterprise. He says that he "immediately proclaimed the pretended Prince of Wales in his province, resolved either to perform some distinguished action in his favour, or to make advantageous terms for himself with Queen Anne"; and having received his commission he set out on his expedition to the Continent with great alacrity, passing through England and Holland, in order to reach France through Flanders, the only route then open in consequence of the war which had just broken out, and he ultimately arrived in Paris in safety in July, 1702.*

Whether this account, supplied by himself, be true or the reverse as far as it goes, it is quite certain that he is not telling the whole truth, and that there were other urgent reasons for his departure from the Highlands. The Atholl family were again on his track while he was moving about among his native mountains. On the 19th of February, 1702, a petition was presented to the Lords of the Privy Council for Letters of Intercommuning—otherwise a Commission of Fire and Sword—against him. The petition, the prayer of which was granted and the Letters issued, is in almost identical terms with those issued previously against him on the 18th of November, 1697, already quoted, and states that notwithstanding the proceedings which were going on in the Courts to punish him—

"Such was the insolence and presumption of the said Captain Simon, that he not only converses openly in the country as a free liege, to the contempt of all authority and justice, but likewise keeps

* *Memoirs of his Life*, pp. 106 to 120.

in a manner his open residence within the Lordship of Lovat, where, and especially in Stratherrick, he farther presumes to keep men and arms attending and guarding his person, and for stenting and levying contributions upon the petitioner's vassals and tenants; and proceeding to yet farther degrees of unparalleled boldness, causes to make public proclamation at the kirks, within the bounds, on the Lord's day, that all the people be in readiness with their best arms, and *de facto*, he hath levied in a threatening, violent, and disorderly manner, upwards of five or six hundred marks within the foresaid bounds, and behaves himself more imperiously than if he were lord and proprietor thereof; and in effect the tenants and others are thereby so harassed and disabled that they could make no payment of their rents."

It was immediately after the issue of these Letters that he adopted the masterly device of granting bonds of security in large amounts to the leading gentlemen of his clan, on condition that they should remain loyal to his personal interests in his absence; for he had already made up his mind to go to France as soon as he could get away. Some of the documents are still preserved. The plan was as follows—Selecting the heads of branch houses he granted them bonds, obliging himself personally, along with his brother John, then his apparent heir, as cautioner, to pay them a certain sum of money named in each case, with the shrewd proviso, that the bond was "to stand in force upon condition the said (naming the person) stand faithful to our interest, and no otherwise." One of these documents in favour of Thomas Fraser of Struy and another to Hugh Fraser of Kinmonavie, are dated 7th March, 1702, the day immediately preceding the accession of Queen Anne. It appears that Struy, after Simon succeeded to the estates, insisted upon the payment of the amount of his bond, which was for 10,000 merks, while Kinmonavie's was only for 1000, but Lord Lovat strenuously resisted both claims. He admitted having signed the bonds, but rather meanly pleaded that he was at the time under an insane and criminal hallucination, tempting him to commit treason against his lawful sovereign and to support the cause of the Pretender, urging at the same time that it was impossible that a set of bonds all granted on the same day, and to the same class of persons, could have had any other

object than a treasonable combination ; and as it was the policy of the law not to enforce obligations for the commission of crime so he should not be compelled to fulfil any of these contracts, all entered into by him when he "was in the gall of iniquity."* Curiously enough and characteristic to perfection this defence was adopted and put forward at the same moment that he was in the midst of his great exertions in favour of the House of Stuart, immediately before the Rising of 1745. It is also not a little remarkable that Simon makes no reference in his *Memoirs* to these bonds or to the masterly policy by which each of the chief men of his clan was made to feel an interest in and assist him in working out his ultimate success, during the whole time that he was himself absent in forced exile on the Continent. The Struy claim being still unsettled in 1747, after Simon's execution an action was raised for the amount against the Commissioners for Forfeited Estates, when the Crown pleaded in bar of payment that "the Lord Lovat in seventeen hundred and two, granted many such bonds as this, with the like quality annexed to them—to wit, that they should stand in force if the creditors therein stood faithful to his interest and no otherwise, which were all reduced, it appearing that they were granted without any onerous cause, and on account of certain unlawful associations entered into with Lord Lovat." His object is fully admitted in 1745 in the defence of the action raised against him in that year by Struy. On that occasion he says—

"Your petitioner, in order to engage the more into that interest, granted a variety of bonds to a great many Highland gentlemen, such as were supposed to have lead and interest in the Highlands, amounting in the whole to very considerable sums of money, and amongst others granted sundry of these bonds to these persons who lay under the same sentence of forfeiture with himself as imagining that because of their circumstances they would be easier wrought upon to join him in his design."

In the meantime Simon, on the 14th of August, 1702, having left the Highlands for France, the Dowager Lady

* His own petition, dated 6th February, 1745.

Lovat and her daughter, the heiress, presented another petition to the Privy Council, which gives a lively picture, more or less accurate, of his proceedings. They say—

"It being boldly asserted on the Captain's behalf that he was able to defend himself against the rape by due course of law, notwithstanding whereof, after his Majesty's Advocate had set him a day of trial for the rape, and had given him previously out letters of exculpation; yet being conscious of his horrid guilt, and that the probation was but too clear against him, he fled the town the very morning of the trial, and was declared fugitive and went up to London in hopes that those who procured the first remission would have procured a second, which his late Majesty out of his great piety declared he would never remit or indemnify. Whereupon he repaired to the North of Scotland and skulked up and down, at first in the countries of Aird and Stratherric, which belongs to the petitioners, and endeavoured by fair means to obtain from the petitioners' vassals and tenants a contribution, which many of them out of fear for his ill and some out of kindness to him granted. And being further emboldened by this, their compliance, he did stent upon each room in both countries by military execution upon such as were refractory, and in the meantime threatened the petitioners' factors and doers with present death if they offered to raise any of the petitioners' farms from their tenants."

His native country was now getting so very unsafe for him, that by the advice of his friend and patron the Duke of Argyll he resolved for a time to leave it, with the view of carrying on his machinations in a more secure place from capture on the Continent, and he found his way in July, 1702, to the exiled Court at St. Germains, where matters were in a confused state of disunion and intrigue, with two parties, the one headed by Lord Middleton and the other by the Duke of Perth, two noblemen "who hated each other with a mortal hatred." Lovat was an old friend of the Duke, and naturally became one of his party, with the result that he secured for himself the strenuous opposition and enmity of Middleton. King James had been dead for ten months when Simon arrived, and his son and heir, James Francis Edward, afterwards known as the Chevalier, was at the time a boy only fourteen years old, his mother, Mary of Modena, acting as the real head of the Court. Our hero succeeded in obtaining several audiences of the

Queen mother, and by degrees to ingratiate himself into her confidence. He also secured what was much more unusual—several private interviews with the great Louis XIV., King of France, in course of which he pleaded with his Majesty to take up the cause of the Stuarts by sending a great force to fight in their interest in Scotland. Burton referring to these audiences says, “ notwithstanding the unapproachable state and ceremony with which it had been the policy of Louis to surround the throne, notwithstanding the difficulty of personal access to him by the highest personages of his own realm, there can be no doubt that Lovat obtained some private interviews with him; and the circumstance is alluded to by French writers as a lasting memorial of his consummate skill in intrigue.” Louis presented him with a sword and other tokens of his good will, which Lovat afterwards treasured with pardonable pride as valuable heirlooms on account of their having been given to him by the greatest monarch of his age. It is no doubt true that in order to flatter Louis, Simon formally adopted the Catholic religion and accepted the ordinances of that Church. His principal medium with the French Court was the Papal legate, Gualterio, afterwards a Cardinal, and, independently of what Lovat himself says about this great man, his influence over him is fully confirmed by contemporary documents.

On Simon's arrival he found the Court at St. Germains firm believers in the restoration of the young Prince in virtue of his divine right alone and apparently without any necessary dependence on the strength of the sword and the arm of flesh. This was quite opposed to his practical ideas of the situation and things in general, and he fearlessly declared that so long as her Majesty implicitly followed the advice of the people who were then at the head of the English Parliament, “Jesus Christ would come in the clouds before her son would be restored.” And to his representations may fairly be attributed the views which ultimately decided upon the Highlands of Scotland as the most appropriate part of the British Isles for the descent which

was made upon it in the Stuart interest in 1715. His plan of operations he declined to divulge to any one until he should get an audience of the Queen herself. Having succeeded in this, he told her that he had authority from the heads of most of the clans, including his own relative, Stewart of Appin, Sir Ewen Cameron of Lochiel, Sir Donald Macdonald of Sleat, and many others, to inform her that they would raise 10,000 men, if they were succoured from France with money, arms, and reinforcements. He proposed that 5000 French troops should be landed at Dundee, from whence, being near the Highlands, they could reach the entrance to the North-eastern passes in one day's march and be in a position to divert the British troops for a sufficient time to enable the Highland clans to rise simultaneously with the landing of this force on the East coast of Scotland. 500 men were to be embarked at Fort-William. These could easily seize the fortress of Inverlochy, which commanded an important arm of the sea on the West coast and could be made a protected gateway opening up into the very centre of the Highlands. His proposals were not, however, on this occasion entertained, but forty years later they became the basis of the plans and operations adopted, when it was too late, for the Stuarts in the Rising of 1745.

There is no doubt that he managed to get the promise of an interview with the Marquis de Torcy, son of the celebrated Colbert, for the purpose of laying the scheme before him. The Marquis having been called to Court on the day appointed to meet him, left as his substitute an equally eminent diplomatist, to whom Simon submitted his plans, and he was subsequently received by the Marquis de Torcy himself, who in the meantime had had his proposals submitted to him. "The two French statesmen were men of high personal honour and integrity, whose diplomatic craft was the creature of long experience, and of a sort of professional morality teaching them that the aggrandisement of their own country sanctified every deceit. The young Highlander met these veterans, armed with his own

natural craft and unscrupulousness; and probably, as an ambassador's astuteness might not be expected in a raw mountaineer, he made the most effective dissemler of the three."* He was now asked to draw up a list of the heads of clans by whom he was commissioned and the number of men that they could bring into the field. This was soon forthcoming, but when Sir John Maclean, Simon's fellow Highlander and relative, saw it, he expressed surprise at finding so many names in it of persons whom Lovat himself had, not long before, told him he had had no intercourse with. To this the latter replied that he knew their sentiments and that he would answer for their support of all his plans and proceedings, and to Sir John's further remark that some of the Highland chiefs were entered for double the men they could bring into the field his Lordship replied that unless the scheme were made to look well on paper, the French Court would never take any steps to carry it into effect. The result seems to have been that the French Ministers were quite ready to move and heartily adopt his proposals, and the real cause of failure was the impediments thrown in the way of his plans by the Jacobite leaders at the exiled Court. Simon himself says that he obtained the promise of the French Court to send an army of 5000 men to support the loyal Scots, and that they were also to send officers, money, ammunition, and arms sufficient for such an enterprise. Everything had been prepared. He had even received from the Marshal de Vauban, with whom he had been in communication for several days for that purpose, that distinguished soldier's grand secret for the construction of folding ladders with which it was proposed to scale Fort-William. Sir John Maclean in his "Discovery" fully confirms this statement, and says that the money desired for the expedition was 100,000 crowns, and arms for 20,000 men, "both of which were promised," but the arms were not sent when he, Sir John, left, nor was there any money to be forwarded until "the security of things appeared on Fraser's return," and then it was to be

* *Burton's Lives*, p. 64.

sent by a French Commissary. Both the Duke of Berwick and the Duke of Hamilton were seriously spoken of as commanders of the proposed expedition. But Lovat objected to both, and it is quite certain that he desired to occupy that responsible position himself.

The French leaders were, however, still doubtful as to the real trustworthiness of the messenger who had come to them, professedly from the Highland chiefs, especially as Lovat's assurances of their adherence and willingness to rise were merely verbal, and "without throwing any imputation on the purity of his honour," they thought it just possible that some of the heads of clans might, when called upon to implement their promises, deny having ever made any, and on the whole it was considered expedient that Lovat should return to the Highlands to bring back more distinct information before the expedition was entered upon. It was at first proposed, as a precautionary measure, to send along with him a French Commissary, but there were obvious difficulties in the way. Such a person, says Burton (who summarises the situation at this juncture from Simon's own Memoirs, confirmed by documentary evidence) could not move a mile from place to place, without being an object of suspicion. The chiefs would be shy of his presence; while on the other hand, as he would be ignorant of the people and their habits, he would never be able to know with certainty whether those he met with were real Highland chiefs, or persons taken from the boards of a theatre to personate the character. At the same time it did not appear safe, so far as the interests of France were concerned, to put no better check on Lovat's proceedings than the fellowship of some Scottish Jacobite, who might even be induced by party or personal feeling, to aid his schemes whatever they might be. In these circumstances the French Ministry adopted the plan of sending as his companion a gentleman of Scottish family but a naturalised Frenchman, who would be sufficiently alive to the Jacobite cause without forgetting the interests of that country which could alone afford him the privileges and protection of a

citizen. The person thus selected was John Murray, brother of the Laird of Abercairney, "the most ancient branch and the true head of the family of Murray, though the branch of Atholl have falsely arrogated to itself a superiority," says Lovat, who also says that this gentleman was chosen to accompany him to the Highlands on his own special recommendation. Both received written instructions as to how they were to proceed, Simon's being dated the 5th of May, 1703, ten months after his arrival at St. Germains. They began—"You are with all convenient speed to return to your own country, and to show this paper only to such of the Highlanders as knew of your coming thither, and have sent to us by you, and such others of them as you hope to bring to our interest," but no further definite assurances were given regarding the intentions of France than a statement that the Scottish Jacobites should be sufficiently assisted by friends there "when the conjuncture is favourable, and that then they shall be supplied with every thing that may make them appear effectually to us." Lovat and his companion were to act with energy, but at the same time with secrecy and caution, and his instructions were accompanied by a Colonel's commission, dated the 25th of February, 1703. Murray was instructed when he arrived in Scotland to repair at once to the Highlands, where he was "to be introduced by Lord Lovat to the several chiefs of clans and gentlemen of interest in that part of the country, of whom you are to inform yourself what they propose, what they are able to do, and at what time they can be in readiness." And if he found any diversity of opinion he was to mark the persons who differed in their views from the others. These instructions were duly signed "James R.," "given at our Court of St. Germains," and countersigned "Middleton" as the Minister in charge. Soon after this, Sir John Maclean also started for Scotland to keep an eye on his relative's motions, while Middleton simultaneously sent James Murray, brother of Sir David Murray of Stanhope, avowedly to watch the proceedings of Lovat, who on that account describes him in his *Memoirs* as Middleton's

"sworn creature, his spy, and a man who had no other means of subsistence," and according to the same authority he, having secured the necessary passes from his patron, arrived in Scotland six weeks before Simon was able to leave the coast of France, "where he was obliged to skulk through all the towns from Brussels to Calais in order to pass in safety, having no other provision for that purpose than the orders of the Marquis de Torcy to the Commandants of these places to assist him with all their power. Accordingly he was constrained to wait for an entire month the arrival of an English packet for the exchange of prisoners, the Captain of which was gained by dint of money by the Count de la Tour, Governor of Calais, to take Lord Lovat and his friends on board on the pretence that they were English prisoners of war, and to put them on shore during the night in his boat at some place in the neighbourhood of Dover," a promise which the Captain performed most faithfully. From Dover Lovat and his companion proceeded to Scotland.*

Sir John Maclean landed at Folkestone, in Kent, after a journey of extreme hardship, his wife having been delivered of a child while crossing the English Channel in an open fishing boat along with him.

On the journey north Lovat and his companions incurred much danger, and in one particular instance they were only saved by his characteristic coolness and presence of mind. This was at Northallerton, a town where, through the imprudence of his Lordship's French valet, they ran the most extreme risk of being taken prisoners. A justice of the peace, who was drinking in the kitchen of the post-house or inn at which Lovat and his companions were staying, discovered from the conversation of the valet, who had got drunk, that his master had just come from France and that he was a partisan of the exiled Stuarts. This justice had a few years before apprehended a gentleman who had returned from the same place and was handsomely rewarded by the friends of King William for doing so. He now felt

* *Memoirs of his Life* by himself, p. 153.

that another prize was within his reach, and collecting all the constables in the town, he surrounded the apartment where Lord Simon and John Murray were sitting. Of what followed his Lordship gives a very interesting account.

Lord Lovat, he says, was informed of these proceedings by one of his clan, who accompanied him and was acting his servant. He thereupon proposed to Mr Murray that they should put themselves on their defence and fight their way through everybody that might oppose them, or die in the attempt rather than allow themselves to be taken alive. To this Murray replied that he was not prepared to die; that he was a naturalised Frenchman and an envoy of the King of France; and that Queen Anne dared not put him to death for fear of reprisals. Upon this Lord Lovat requested him to retire into the next room, as if he did not belong to his company. As for himself he was determined to die upon the spot or to force his way through the enemy, since he expected nothing better, if he were taken, than to be hanged or quartered without mercy.

He then ordered his attendant to lay hold of two pistols that were on the table and a blunderbus which carried eight bullets, taking similar weapons himself. Understanding that the justice of peace was the first on the staircase, Lovat ordered his companion to post himself upon the landing-place; to allow the Magistrate to enter the apartment, where his Lordship stood with his pistol cocked, ready to fire, and the moment he heard the report of the pistol inside to discharge his blunderbus among the constables on the stairs; and that as soon as this was done they would both force their way through their opponents, who had no other arms than the long staves usually carried by men of their profession; and then, the night being very dark, could they but once gain the street, nothing would be easier for them than to effect their escape.

But at that moment Providence inspired Simon with a presence of mind which saved his own life and that of his friends much more easily than their courage could have done. He told his attendant that he would inform the

Magistrate that he was a brother of the Duke of Argyll, who was Colonel of the Regiment of Guards of Queen Anne, and well known and much beloved in that part of the country. And as his Lordship "had the honour to be really kinsman" to the Duke, his intimate friend, and had been many times with him at the races held in the neighbourhood of Northallerton, it did not seem difficult to pass himself off as his brother. While Lovat was thus discussing the situation the justice of peace drew up his constables in the yard, just at the foot of the stairs, and then came up to his Lordship's room, whereupon Simon advanced a few paces to meet him, with extended hand, saying, without giving the interloper time to speak a word, "My dear sir, how happy I am to see you. It is almost two years since I had that pleasure with the Duke of Argyll, at the races near this town." The representative of the law was almost struck dumb, but, recovering himself, replied with a faltering voice — "My Lord, I ask a thousand pardons for having broke thus abruptly into your apartment. But my business was to beg your Lordship's permission to treat you with a bottle of wine in this town, where I am a man of some consequence." Lovat politely replied that he should of course accept the hospitality so courteously offered, and would return the compliment, at the same time asking his visitor to take a seat. The Magistrate, begging his Lordship's permission to go and order in person from the hostess the best Spanish wine she had in the house, replied that he would be back in a moment. As soon, however, as he reached the foot of the stair he was heard telling his constables that the gentleman who was upstairs was no other than a brother of the Duke of Argyll; that "he was going to drink a bottle with him"; and that for them they had nothing more to do but to get home as fast as they could. Having thus disbanded his officers, he returned immediately, and "Lord Lovat made him so drunk that he was obliged to be carried off without sense or motion to his own house." This was about one o'clock in the morning, when Lovat and his friends mounted their horses, set off,

and soon arrived in Scotland, where, as pre-arranged, they met Colonel Peter Graham and Major George Fraser, who went in advance of them from London, with instructions to await them at a certain point on the Scottish Borders. From these gentlemen they received intelligence regarding a knowledge in advance of their intentions and movements supplied by James Murray, which somewhat staggered them, especially John Murray, who was astonished beyond measure, and gave himself up for lost. But Lovat entreated him not to be disheartened, adding that he had nothing to fear, and as for himself, he was fully innured to such menaces and dangers.

We must now, however, for a time take leave of them, and pick up the narrative of what was taking place in the Highlands during his Lordship's absence on the Continent, who, in one of the numerous petitions at the instance of the Dowager Lady Lovat and her daughter, is declared to have withdrawn "out of the country with a considerable sum of money," which he had levied on the estates.

That he left a very effective and loyal lieutenant behind him in the person of his brother John, regarding whose conduct "a whole torrent of petitions poured in upon the Privy Council," is undoubted. In one of these, dated the 4th of August, 1702, soon after Simon had left for France, it is stated that "he hath left John Fraser his brother and several other fugitives lately intercommuned, as said is, who with some other loose and broken men" to the number of thirty or thereby, who for the preceding three months, had gone up and down the districts of the Aird and Stratherrick, "belonging to the petitioners," threatening their chamberlains with death should they offer to uplift the rents from the tenants, and threatening the tenants in like manner should they pay the representatives of the petitioners. And "for effectuating thereof, the said John Fraser hath kept a party of men as in garrison in the town of Beauly, the heart of the country of the Aird, who exact free quarters from the tenants. Like as he and his complices have taken up from the tenants and pos-

sessors, to the number of 200 custom wedders and lambs, and broke up the petitioners' meal gurnels in Beauly, and had taken out thereof sixty bolls of meal." And further, about the 6th of July preceding, Fraser, Younger of Bochrubbin, and two more of John's accomplices, came to Moniack House, where Hugh Fraser, one of the petitioners' chamberlains, resided, and having by a false sign got him out of the house, they not only reproached him for serving the petitioners, but beat him with the butts of their guns and would have murdered him had he not succeeded in making his escape. And because he afterwards complained to the Commissioners of Justiciary of their conduct they sent him a message that if he persisted in his complaint against his persecutors they would destroy himself and all his relations. It is then stated that the Court of Justiciary ordered a party of Grants to proceed to the district, but that they were too small in number to be of any service, in respect of which the Privy Council are asked to send such a body of troops as may be strong enough to suppress "such flagrant villainies and unaccountable insolencies," whereupon the Council recommended the Commander-in-Chief to send two detachments of soldiers—one to the Aird and the other to Stratherrick.

This is followed, ten days later, by another petition, in which it is declared that John Fraser, the Captain's brother, in order to be avenged upon the factors for their application to the Court of Justiciary "did convocate in the country of Stratheric fifty broken men, and with these" went to the Aird on the 5th inst. and raised, as he went through that district, two or three hundred men and women, and with them assaulted the house of Fanellan, where Captain John Mackenzie, "one of the petitioners' baillies" lived, and where the ten men of Captain Grant's company resided, and requested them to surrender and give themselves up as prisoners. And because they refused to do so, John and his followers set fire to the house, and burnt it and all its offices to ashes, with the result that Captain Mackenzie and his soldiers, Hugh Fraser of Eskadale, "another of the

petitioners' baillies," and George Mackenzie, "a servant of Prestonhall's," along with Lieutenant Campbell, who commanded the party, were forced to surrender themselves and were all detained and made prisoners. After a little time, "they dismissed Captain Grant's ten men, but carried the Lieutenant, the two baillies, and George Mackenzie, as it were in triumph through the country to the end of Loch Ness. And having dismissed the next morning the Lieutenant, they carried the other three prisoners, abusing them in the most barbarous manner, to the country of Stratherrick, and whether they be dead or alive the petitioners know not." This will give the reader a fair idea of the state of affairs on the Lovat estates during Simon's first visit to France. We shall now go back and pick up him and his companions, Colonel Peter Graham and Major George Fraser, where we left them on the Borders of Scotland on his return home in 1703.

At this period there was an open difference between England and Scotland about their commercial relations and the succession to the Crowns. The Darien scheme had been crushed to gratify the envy of English merchants, and the Scots, who were treated as aliens, were almost in rebellion. It had been arranged by the English Act of Settlement to secure the succession to a Protestant when the Queen died, and the nearest heir was the son of the Princess Sophia, descended from a remote collateral of the reigning family, while there were many more nearly related to the occupant of the throne, but whose religion, under this Act, excluded them. "The offspring of Charles I.," says Burton, "both through his sons and daughters—whose descendants have increased so widely by alliances with the European thrones that there is scarcely a Catholic crowned head in Europe who is not nearer the British throne by direct descent from the Stuart race than the present Royal family—were passed over; and the descendants of Elizabeth, the unfortunate Queen of Bohemia, daughter of James I., were found to be the nearest line of collateral relations to Queen Anne who were unexceptionally Protestant. Her

sole descendant was a daughter married to a German Elector, and thus the Protestant heir had to be found by going back to an old generation of the British Royal family, and passing through two female successions. This was far from being a very obvious quarter to have recourse to, even were it an understood matter that the descendants of Charles I. were to be excluded." And again, "It may be questioned if in the year 1702, many people who were not statesmen or genealogists knew much of the son of the Princess Sophia—the grandson of a British Princess, who had been married ninety years before to a secondary Prince in a remote part of Europe. When, therefore, this settlement had been selected by the Parliament of England as the best, without consulting or treating with the Scottish Legislature, it was not by any means so obviously the only rational alternative that could be adopted as to preclude the Scottish Legislature from considering the question of the succession to the Crown as a very difficult matter, requiring much and deliberate consideration. The dilemma afforded an excellent opportunity for making favourable conditions for Scotland, for no English Government could feel that it rested on a very secure basis while that of Scotland had not made arrangements for the same line of monarchs occupying the two thrones. But the Scottish statesmen could not see that they were bound to choose the descendants of the Electress Sophia, just because those of England had chosen to do so; and to show that they were serious in taking advantage of the opportunity afforded them they passed the Act of Security. It provided for the assembling of Parliament on the Queen's death, and the devolution of the Crown on a Protestant successor; with the stipulation that the same person who might succeed to the Crown of England should not succeed to that of Scotland, unless England conceded to Scotland a free intercommunication of trade, the privileges of the Navigation Act, and a participation in the Colonial trade. The monarch, fortified behind the power of the English Parliament, employed a remedy which has almost dropped out

of the known list of Royal prerogatives in Britain, by refusing the Royal assent to the measure.* Other serious differences followed. The Scottish Parliament rose without granting supplies. When it again met, it re-passed the Act of Security, and on this occasion it was deemed wise by the English Parliament that it should receive the Royal assent. "The spirit of resistance to the domination and interference of England was gradually becoming more fierce, and incidents occurred which showed that it was not confined to the inflammable populace, or to romantic theoroists, or to party statesmen raising a cry to serve an end; but that it was becoming part of the creed of grave sagacious politicians, and was entertained on the bench and in the academic chair, as well as in the senate and market place."

This was the state of affairs in Scotland when Simon Fraser of Lovat returned from France. The Royal assent had just been refused to the Scottish Act of Security, and nothing could better suit his plans of mischief and intrigue. He proceeded at once to his own family estates, and then, accompanied by his brother John, visited several heads of clans in the Highlands to sound them as to their views and attitude towards the exiled Court of St. Germains. Among those upon whom they called were Stewart of Appin, his own relative; Sir Ewen Cameron of Lochiel, the Laird of Macgregor, and Lord Drummond. On the 23rd of July, 1703, Captain Hamilton, a Government officer at the time stationed at Inverness, wrote to Brigadier-General Maitland, Governor of Fort-William, intimating that a great hunting match had been arranged for the 2nd of the following month, at which the Highland chiefs were to assemble their followers; that the Duke of Hamilton, the Marquis of Atholl, and Grant of Grant were to be there, and that the latter had ordered 600 of his men in arms, "in good order, with tartan coats, all of one colour and fashion." This looked ominous, and no doubt our hero had a hand in the arrangements. Later on he succeeded in getting Lord

* *Lives of Simon Lord Lovat and Duncan Forbes of Culloden*, pp. 73-75.

Drummond to call "a general council of war" at his castle, where Simon proposed to those assembled that they should take arms at once, but Lord Drummond opposed this step, on the ground that the exiled King had appointed no General to command them, and "that the Scottish nobles, equally persuaded of their capacity and loyalty, would never brook submission to one of their own body," unless he was specially appointed by a commission from headquarters. It was, therefore, ultimately decided to defer any decisive movement to a later date, and in the meantime it was considered expedient to send John Murray or Simon back to France to demand assistance, and for other necessary purposes. Murray refused to return, on the ground that he had not yet carried out his instructions to visit all the principal men who were alleged to be friendly to King James, and that Lovat had greater credit and influence both at the Court of France and St. Germains—at the latter, through the influence over the Queen of his friend Cardinal Gualterio. In these circumstances, Simon, as he says himself, "in an evil hour" consented to go. But before he did so the "Scottish Plot," which had been taking shape in his resourceful brain, must be entered upon by him.

He even thus early began to fear that a rising in favour of the Stuarts was hopeless, and that his chances might be brighter by joining his fortunes with those of the Government of Queen Anne. It was, he says, suggested to him to obtain an interview with the Duke of Queensberry, whom he describes as "the inveterate and irreconcilable enemy of King James the Third," and who was at the time Queen Anne's High Commissioner to the Parliament of Scotland. The idea of changing sides at this early period crops out in his *Memoirs*. He there says that both his colleagues, John Murray and Lord Drummond, were persistent in their arguments urging him to comply with the proposal. They even suggested to him the idea of making his peace with Queen Anne, remaining at home with his clan, and sending Major George Fraser, who had come home with him from France, to demand the proposed re-inforcements. He

"accordingly waited upon the three noblemen"—Queensberry, Argyll, and Leven—"and he was particularly upon his guard with the Duke of Queensberry, in order to amuse and throw him on a wrong scent," and his Grace gave him an immediate opportunity of doing so "without much exercise of his invention." The Duke told him that he was already acquainted with the nature of the business that brought him to Britain, that he knew that he had seen, or was going to see, all the Highland chiefs and the other friends of King James in the north, but his real concern with him on that occasion was to discover the attitude of the Marquis of Atholl and the Duke of Hamilton towards the Court of St. Germains, and to find out if they corresponded with the exiled house at the same time that they displayed an unostentatious zeal in the service of Queen Anne's Government? Simon expresses himself delighted at the opportunity thus presented to him of ruining his old enemies. He told Queensberry that he had undoubted authority for saying that the Duke of Hamilton intended no good for the Royal party, but that on the contrary he was, among other things, devoured with the absurd idea of becoming King of Scotland himself, and that he intimated his intention to one of his best friends, Mr Graham of Fintray, in a secret interview in Hamilton's private closet. And he further knew by ocular demonstration, that the Duke of Hamilton had accepted the commission of General of the Scottish army from the late King James, and that he had promised hundreds of times to join the Highland forces with a body of cavalry. He assured Queensberry that Hamilton and Atholl were the most faithful friends and servants of King James; that James Murray had brought them over commissioners from St. Germains; that they had promised to take up arms at a very early period, and to put themselves at the head of the whole Jacobite party, in order to restore the Stuarts; and that his Excellency might assure the Queen that this was the truth now regarding them.

It is, however, scarcely necessary now to say that there is not a vestige of foundation for the story, and that it was a

pure invention from beginning to end. Simon himself fully admits this. He says that he "made to the Duke of Queensberry this pretended discovery, which had no foundation in anything he knew on the subject," and he gives the following extraordinary reasons for the falsehood. "With respect to Lord Athol," he says, "he was notoriously the incorrigible enemy of King James. His accumulated treasons rendered his person odious to all his Majesty's faithful servants. Much less, therefore, was Lord Lovat bound to spare this incorrigible villain than the Duke, his brother-in-law. In a word, he was persuaded that he could not do a better service to his King than to put the Duke of Hamilton and Lord Athol, the two greatest hypocrites in Scotland, and of whose duplicity and selfish policy no man was ignorant, out of a condition to injure his project, or to prejudice the interests of the Sovereign." This is an average specimen of Simon's public morals throughout his whole career of duplicity and intrigue.

This interview, which was arranged in August, by the Duke of Argyll and the Earl of Leven, took place in September, 1703. They told Queensberry that the person for whom they solicited an audience was deep in the intrigues of the Jacobites; that he could give valuable information; that he was a man of rank; that he was in direct personal communication with the Courts of France and St. Germains, but that his name must in the meantime be kept secret. As soon as this information reached the Duke he took the precaution of writing Queen Anne, asking her how he was to deal with his visitor—"If that person shall apply to me and be willing to own what he has said, how shall I use him?" asked his Grace. "It is strange enough, that in his circumstances, he should have said so much; and it can hardly be expected that he will forfeit what he may expect from France, without getting some terms from your Majesty." Referring to the same interview Burton says—"At the appointed hour, the massive person of Lovat stalked into the private chamber, and the statesman reared and hardened in the war of intrigue and

deception, was confronted with the broad good-humoured face of the young Highlander, little dreaming that the uncouth smile and profuse suavity of manner concealed a natural power of dissimulation and intrigue which the severest education in state craft would fail to impart to ordinary minds. This was late in September, when Lovat made up his mind that the project of a Highland rising at that moment at all events, was hopeless ; and, when if he wished to execute anything for his advantage, or even to secure his safety, he must transact with the other party. Accordingly he told all and more than all, to the infinite wonder of the Commissioner, and his Grace's high satisfaction with his own ability in hunting out conspiracies." Simon was, however, more than a match for his Majesty's Commissioner to the Scottish Parliament. By means of spurious letters and documents the Highlander completely outwitted the statesman. On the 25th of September, 1703, the Duke wrote Queen Anne giving an account of the interview, but Lovat's name was still kept secret. He informs her Majesty that—

" This person is willing to come to London and give what accounts he knows, provided he do it secretly ; and he offers to return to France and discover all the correspondence and designs ; but says that if he falls under observation or that he be discovered, he runs the risk to be broke on the wheel. He says that what money is transmitted yet from France is only for the use of some particular persons, and that it comes by bills to London, and it is brought hither in specie. I confess it hard to think how one should know or be ready to reveal so much. Yet the delivering of that principal letter (which the Duke had previously sent to the Queen), and the showing his own commission under the hand and seal of the Prince of Wales as James VIII. and III., which he says was the first paper signed with his new seal ; these do give credit to what else could not have been so well trusted ; and he says that he has a Commission as Major-General from the French King which lies there, that it might give no offence, till once the forces designed were raised. I thought it necessary to entertain him with some money till your Majesty do signify your further pleasure about him."

Simon's position was in the meantime getting serious. His presence in the country was fully known, and making

a sensation all over Scotland. The sentences of death and of outlawry from the Court of Justiciary at the instance of the Dowager Lady Lovat and her relatives, were still hanging over him, and they and the family appear at this particular time to have taken the necessary steps to act with decision and promptitude. It will be observed that the letter about Lovat addressed by the Duke of Queensberry as the representative of the English Government in Scotland, to Queen Anne, just quoted, was dated the 25th of September, 1703, and two days later, on the 27th of the same month, a Commission of Fire and Sword was issued against Lovat by the Scottish Privy Council for the following purposes—

“To convocate our lieges in arms, to pass and search for, see, follow, take, apprehend, imprison, or present to justice, and in case of resistance, hostility, or opposition, to pursue to the death the said Captain Simon Fraser, outlawed and fugitive, aforesaid, and such persons as shall associate themselves to him, and resist the execution of this, our commission, wherever he can be apprehended. And if the said Captain Simon Fraser, and they who shall associate themselves to him, in opposition to this commission, shall, for his or their refuge, happen to flee to houses or strengths, in that case, we, with advice aforesaid, give full power and commission to our said Commissioners, conjointly and severally, as said is, to pass, pursue, and assiege, the said houses or strengths, raise, fire, and use all force and warlike engines that can be had for winning and recovering thereof, and apprehending the said Captain Simon Fraser, and such persons as shall associate themselves to him in resisting the execution of this commission as rebels and traitors.”

It is not surprising that on the issue of such a document he should be anxious to obtain a pass which would enable him to escape safely to London, and from thence across the Channel, and that he should in return promise the outwitted Queensberry to “do such things for her Majesty’s service as should deserve her pardon and an establishment for his own subsistence.” There were more secret interviews between the pair, and at last the Duke promised to give him the necessary pass, at the same time undertaking to obtain another for him from one of the Secretaries of State of the English Government, as his own would be

useless from thence to the Continent. This is how Simon gloats over the success of this clever intrigue—"The Duke of Queensberry," he says, "gave in to the snare in the most unsuspecting manner. He granted upon the spot a passport to Lord Lovat, written and signed with his own hand, as Viceroy of Scotland, to enable him to proceed in safety from Edinburgh to London. Lord Lovat has still in his possession this document, sealed with the arms of the Duke of Queensberry, as well as the great offers that his excellency made him in writing."* These offers were, peace with Queen Anne, to obtain for him a regiment and a substantial pension, and to make him Chief Justiciary and Commandant of the county of Inverness. He, of course, magnanimously refused all this, but promised that in the following spring he would ask to be allowed to make his peace with the English Queen, and at the same time accept the other great privileges and honours so kindly pressed upon him by the Duke. In the meantime, if he only got his pass he would send from France such a particular account of the doings of the Duke of Hamilton and the Marquis of Atholl as would enable Queensberry to ruin these statesmen at the Court of Queen Anne!

And he did receive his pass, accompanied by a promise that his benefactor should be in London two days after him, along with an invitation to call upon him at his residence there, when he would secure the required passport for him from thence to the Continent. His friend, John Murray, at his request, at the same time gave him a letter of introduction to his nephew, William Keith, "as a proper person to assist him during his residence in London, though that gentleman was the declared enemy of the Duke of Queensberry," on whom both of them were to impose still further in the English Capital. Simon was accompanied on his journey south by Colin Campbell of Glendaruel, a cousin of his own and half-brother to Sir John Maclean, and neither he nor William Keith, "who received Lovat with open arms in the most affectionate manner, quitted him day

* *Memoirs of his Life* by himself, p. 177.

or night during the short period" he remained in London. And they introduced him to the notorious plotter Robert Ferguson, "so well known," Simon himself says, "for the author or accomplice of so many conspiracies, plots, and criminal intrigues," among others, against Kings Charles and James, although he afterwards became one of the latter's most zealous partisans. Lovat found this congenial spirit of considerable use to him, especially in having given him a letter of recommendation to his brother, Major-General Ferguson, then in the service of King William, and at the time commanding one of the Scottish regiments at Bar-le-Duc, where Lovat found his services invaluable a fortnight hence, when, he says himself, he was the means of saving his life, after he safely escaped to the Continent. Keith accompanied Simon to Queensberry's house for his pass, and he never parted with him until on the 13th of October, 1703, he saw him on board his Dutch vessel at Billingsgate and sailing down the Thames for Gravesend.

The passport given him was duly signed by the Earl of Nottingham, then English Secretary of State, and was made out in favour of four persons, named respectively John Campbell, Munro, Dickenson, and Forbes, his Lordship, who granted it on the urgent representations of the Duke of Queensberry, not having the slightest idea who the men named in it were. During his short stay in London Lovat lodged with an apothecary named Clarke, who lived near the Monument, and who afterwards described him "as a pretty tall gentleman, sanguine complexion (with) fair hair, or a periwig," but nothing further could be got out of him to implicate his quondam lodger.

Simon managed thus, with his usual good fortune, to secure his escape from London to Holland, where he remained for a short time and kept up a correspondence with various people in England, all of whom, taking a leaf out of his own book, began to intrigue on their own account and afterwards betrayed him. Among them was Sir John Maclean, who left France about the same time that Simon himself left it but did not arrive in England until the 10th

of November, 1703, when he was too late to secure the benefits of the indemnity which had some time previously been granted to those who went to the Court of St. Germains, provided they returned within a certain restricted period. Sir John was at once apprehended and cast into prison, whereupon he offered to tell all he knew on condition that he received a pardon and should be treated like a gentleman, "so as not to be required to appear in public as an evidence against any person," a curious idea surely. It was apparently his opinion that it was quite consistent with the character of a gentleman to divulge the secret information which he received from his intimate friend under the seal of confidence, but that it would be altogether ungentlemanly to prove the accuracy of his statements in open court. His conditions were, however, accepted, and he made what has since been known as Sir John Maclean's "Discovery" of all he knew about Simon's manifold intrigues and the proceedings of the other leading Jacobites at the Court of St. Germains. The result was, a great storm between the leading statesmen at the Court of Queen Anne, extending to the English House of Lords and Commons, ultimately creating a dangerous dispute between the English and Scottish Parliaments. But as our hero, who raised the storm, took no active share in the dispute on this side of the English Channel, we must refer the reader to the ordinary historical sources for an account of the proceedings, while we follow Simon to the Continent.

On his arrival in Holland, he appears to have had much difficulty in finding a place of safety for his residence, but he succeeded so far as to feel sufficiently secure in beginning a correspondence with some of those whom he had hitherto considered his friends. "He had three distinct parties to keep in good humour and in reliance on his conduct. First, the Jacobites in France, whom he had to entertain with large and mysterious allusions to the services he had been performing in Scotland. Second, the Scottish Jacobites, with whom he corresponded through Ferguson

and Colin Campbell of Glendaruel. By both of these, it may be observed, he was betrayed—the former having commenced the correspondence for the purpose of detecting him—the latter having been tampered with and bribed to give up the letters he received" from him. "The third party with whom he had to correspond was the Duke of Queensberry, to whom he professed to sell the secrets of the other two. He had probably a fourth system of correspondence with members of the French Government, but if he had we are, unfortunately, not possessed of the means of partaking in this department of his secrets."* Writing to Colin Campbell from Rotterdam, he says, in his *Memoirs*, that he enclosed a letter for Sir John Maclean exhorting him "in the name of God, to suffer death itself, rather than to act hostile to the interests of his sovereign. He observed that a single false step in his situation would destroy the merit of all he had hitherto done, and obliterate the service of ancestors the most celebrated for their loyalty; adding that he had rather hear that he was torn to pieces by horses than that he had bartered away his loyalty and his honour. Lord Lovat wrote in this urgent manner to Sir John Maclean, because he feared that Lady Maclean, his wife, who was a woman of much policy and finesse might prevail upon him to make shipwreck of his honour for the sake of his estate." What Simon here predicted of Lady Maclean and her husband very soon came to pass. "Sir John," in the words of our hero, "to his shame and eternal confusion, as the most contemptible of cowards, after a few days' imprisonment, and having first conditioned for a pension from Queen Anne, made an ample discovery of every thing he knew respecting his cousin Lord Lovat, the Scottish insurrection, and all the projects of the Court of St. Germain. He was accordingly, as all the world knows, immediately set at liberty and pensioned and has ever since been universally regarded as the most worthless of the human race. Lord Lovat's dispatches from Holland were either intercepted or treacherously delivered into the hands

* Burton's *Lives of Simon Lord Lovat and Duncan Forbes of Culloden*, pp. 94.

of the Government, and printed by the express orders of the English Parliament." It was not, however, until after his arrival in France, that he knew himself to have been betrayed by his cousin, Colin Campbell of Glendaruel. "This unnatural monster, this perfidious traitor, this execrable villain conceived and carried into action the barbarous design, in spite of their relationship and intimate friendship, in spite of the unbounded confidence Lord Lovat had placed in him, of accomplishing the entire ruin of that nobleman in the Courts both of England and France." Glendaruel, he continues, was blinded by an infamous spirit of avarice and ambition. He forgot that a few weeks before he had been the zealous partisan of King James, had conducted Simon himself to the houses of Lord Breadalbane and many other loyal chiefs in London, and that his disclosure would put the lives of these old friends of his in imminent peril as well as subject his own to the mercy of the English Government. He had forgotten "every thing that ought to be dear to a man of reason, honour, and probity, and rushed headlong into the presence of Lords Athol and Tarbat, the very day that he took leave of Lord Lovat upon the departure of that nobleman for Holland." He told these noblemen everything he knew respecting the affairs of King James, and of his own cousin Simon. "He delivered up to them the box that Lord Lovat had confided to him, containing the portrait of the King, and his commission of Colonel of Infantry." And finally he disclosed to them all that had taken place between Simon and the Duke of Queensberry, and the passport that his Grace had procured for him for his journey to Holland. Lords Atholl and Tarbat "were particularly gratified with the last part of his discovery, by means of which they hoped immediately to accomplish the ruin of the Duke of Queensberry. They went without a moment's pause to Queen Anne, and accused the Duke to her Majesty as guilty of high treason, having maintained a commerce with the most dangerous emissary that had ever been employed by the Courts of

France and St. Germain. To substantiate their accusations they produced the villain Glendaruel, who declared that he had himself been witness to a conference of Lord Lovat with the Duke of Queensberry, once at Edinburgh, and once in London, and that he was ready to make oath that the Duke had given him a passport for his journey into Holland. At the same time, by concert with these noblemen, he delivered to Queen Anne, with his own hand, the portrait of the King, which had been confided to him as the most sacred deposit, a circumstance which ought to render the name of this modern Judas odious to the latest posterity. Lords Athol and Tarbat warmly pressed the Queen to permit the Duke of Queensberry to be tried for his life upon these accusations, and indeed he must probably have lost his head in the affair," had he not previously intimated to her Majesty the nature and objects of his various interviews with Lovat, and forwarded to her some of Simon's letters, as already told. But the Duke was obliged to sue for a pardon from the Queen, and "he was so much irritated against Lord Lovat, whom he conceived to have duped and betrayed him to Messieurs Keith and Ferguson, his declared enemies, that he became from that moment his inveterate foe." Simon then falls foul of George Lockhart of Carnwath, who wrote a book entitled "Memoirs concerning the Affairs of Scotland, from Queen Anne's Accession to the Throne to the Commencement of the Union," in 1714, and says that the details as set forth by him in that work should for ever confound him—"I know not what epithets to bestow upon this miserable author," Lovat writes, "who is so full of contradictions, even in the characters he draws with so much bitterness and impudence of the most able and illustrious gentlemen and the first nobility of Scotland. The mildest censure that can be passed upon him is that he has been insolent, ignorant, and witless. Indeed he confesses as much himself; he asked pardon before hand. It were therefore a pity to treat his book with too much severity, since he has suppressed his name, for fear of being cudgelled to death

by the footmen of the many noblemen he has maltreated, and who are unwilling themselves to soil their hands with shooting him through the head, as a gentleman did the father of this author, if he be the person whom all the world believes him to be.”*

But Lockhart’s Memoirs, here so severely condemned by Simon, correspond in the main with his own account of his proceedings, except in the erroneous assumption that the Duke of Queensberry and his friends, and not Lovat, were the originators of the plot. But what probably raised the ire of the latter so much was Lockhart’s description of him where he says that “they pitched upon one Simon Fraser of Beaufort as the tool to carry on this wicked design, and be an evidence to charge such persons as they directed. This gentleman, some three or four years before, had been guilty of a most scandalous rape upon the person of the Lady Dowager Lovat, sister of the Duke of Atholl, for which crimes the Lords of Justiciary condemned him to die; and letters of fire and sword were raised, and a detachment of King William’s troops sent against him and his adherents.” To this undeniably true charge, Simon indignantly replies that this rape was “a crime of which he was as innocent as the child unborn, and which the whole North of Scotland, where Lord Lovat has always been and is at this day much loved and respected, knows to have had no foundation but in the malicious invention of Lord Athol.” The reader has already made up his mind where the truth and the falsehood respectively lie on this point.

In another letter to Colin Campbell of Glendaruel, from Rotterdam, Simon says—“I am confounded to know your brother (Sir John Maclean) is prisoner. I am afraid they will keep him so; however, his only business is to give fair words until he is in the Highlands, for I’d rather see him shot and damned than he should do an ill thing”—that is to say, divulge upon Simon. To Sir John himself he says—“The making of an ill step now would so ruin your reputation, that though I love you entirely, I had rather

* *Memoirs of his Life* by himself, pp. 193-204.

see you buried than that you should be guilty of it. Take care, for Christ's sake, that no condition may make you or your friends tell a word of the main business to anybody." But that was just what Sir John had already done. Lovat's proceedings in Scotland had been found out and made public before this letter was written. He writes again to Campbell on the 24th of February, 1704, from Liege—

"I believe all the devils are got loose to torment me. With you I am abused, ruined, and my reputation torn. Here I suffer by those whom I served, and I am treated like a traitor and villain, and if I had not had good friends here of strangers, I had perished like a dog. I do not know what my fate will be, but I have dear bought my conversation with those you call my real friends. You tell me that K (? Keith) betrayed me to A (? Atholl) and now we hear of his sufferings for me, but none in England could wrong me but he or you, and if either of you have wronged me, I cannot trust myself or any flesh and blood. My comfort is, that I neither betrayed my trust nor my friends, nor would I for the universe. For my part I believe the day of judgment is at hand, for I see a great many of the symptoms of it."

His letters to the Duke of Queensberry were naturally of a very different character. His greatest difficulty was with the exiled Court of St. Germain, where he had to give an account of his visit to Scotland. For this purpose he prepared a memorial, which, according to Dr Hill Burton, contained very flattering but vague statements of his success in Scotland. "Wherever he had presented himself the greatest enthusiasm was shown for the Royal cause, but throughout the whole there was a most unsatisfactory indefiniteness. Partisans came in multitudes, but no individuals were identified. He anticipated the motions of James Murray, whom the Jacobites had sent as a spy over his actions, by charging that gentleman with betraying him to the Duke of Queensberry; and thus he very ingeniously introduced the subject of those conferences with the Duke which of course could not have been concealed, stating with a tone of great magnanimity that his Grace had made him the most advantageous offers if he would desert the Jacobite interest, but that he had resisted all temptation

and stood fast by his integrity. Of course, instead of stating that he was sent over by Queensberry to obtain further secret information about the projects of the exiled Court, he represented himself as accredited from the Highland clans, because he was the only man that the Highlanders would trust to make conditions for them." When he came to the history of obtaining the pass from Queensberry, he was obliged to admit that to enable him to return to France he had thrown out certain hopes ; he said he only did so that he might nominally fulfil his mission and return to Britain to be restored to his estates. This explanation, as shall presently appear, was not satisfactory. At the time that he conducted the greater part of his protean correspondence he was in extreme danger, subject to provoking detentions, which made him furious with impatience, and compelled him to undertake perilous enterprises. He remained fourteen days at Rotterdam endeavouring to procure a passport. There, in the midst of his extensive diplomatic correspondence, he wrote one manifesto which had amidst its policy at least some touches of sincerity. It was addressed, "To the Honourable—all the gentlemen of the name of Fraser of the Lord Lovat's family." He exhorts them to unity and says—

"I hope you will reflect on your foolish divisions and abhor them ; and as I never did revenge myself against any particular persons that appeared against me, because I hated mortally to dip my hands in my own blood, as I do heartily and sincerely forgive all, and every one of them, by this, since I believe they did not see their error, till they saw their next door neighbours like to take their bread from them. And as I do pass by and forgive all bygone injuries, as I hope they will join and concur with me to keep out our enemies, and to preserve my family and their own name and kindred ; which, if they do not, when I come to my country, I declare solemnly, that I will treat them as my worst enemies, and cut them off as monstrous members, who are like to destroy the body whence they have their birth ; and I can assure you I shall have power to do it, and be fit sides with all my enemies, if I live a few months."

He did not then know what was preparing for him on his return to Paris. When he was able to leave Rotterdam, he went to the Hague, where he had not been many hours ere

he felt symptoms of his presence, as a suspicious person, being known. He took the conveyance, which the tourist may still employ, the Tracshwit, and went to Delft, whence he proceeded to Bois le Duc, where he was near the Dutch frontiers, and in a good position to take advantage of any opportunity for escape. Here he found several of his countrymen in the garrison; and as they were curious to see and converse with so eminent a character, a report very naturally arose that he had gone there to attempt to seduce them to the French interest. He tells us that he found many of his own clan there, and that he met Major-General Ferguson, a brother of the notorious plotter, to whom he presented a letter from that worthy, desiring the Major-General to communicate with Lovat regarding the hopes and prospects of the Jacobites. All these matters of course made his journey the more perilous. He was passing through "the classic land of fortified defence," where every village was a fortress, during one of the hottest European wars, when spies were swarming, and stray people of suspicious appearance were hung from the nearest tree or bartizan ere time could be afforded for inquiring into their history. He adopted a disguise which none but an able man could support—that of an officer in the service of Holland, the country through which he had to travel, changing it as occasion required for the costume of a peasant. When he found his position at Bois le Duc becoming unpleasant, he made arrangements for fleeing to Antwerp, a distance of fifty miles, at one dash. In passing Breda, he and his companions took a circuit through the heaths. On approaching a fortified bridge over the Merk, the precaution was adopted of hiring a peasant to reconnoitre; a favourable moment being found when the vigilance of those on guard was relaxed, Lovat and his little knot of followers, including his brother John and his cousin Major Fraser, galloped across. When he reached Antwerp, exhausted with toil and excitement, he found it in possession of Marshal Villeroi, who of course could send him in safety to Paris. When he arrived there he found that he was exposed, the

incompatible elements which he had endeavoured to unite in his intrigues having created a general explosion. Secretary Middleton wrote to De Torcy on the 16th of January, and after some reference to the other evidence against Lovat, made the following criticism on his memorial to the ex-Queen described above :—

“ He told me that Queensberry, Argyll, and Leven, were the greatest enemies of the King, my master, in that country, yet he communicated to them the whole of his commission, which is a crime that deserves hanging in every country. He rejects extraordinary offers ; obtains a pass to go to London and from thence the same Queensberry obtains another pass for him, under a borrowed name, to secure his own return to France. This is very true, for he has produced them. It is therefore clear as daylight that these noblemen wanted to employ him here as a spy, and for signing letters and commissions, which might serve as proofs against men of honour in that country. You will be pleased to observe, Sir, that in his own report he makes every one ask commissions, in order that he might obtain now what was refused to him last year. He accuses none but James Murray, who is a man of such known honour and probity, that my Lord Arran called for him as a man in whom he could place the greatest confidence ; but foreseeing that Mr Murray’s account would not be favourable to him, he chose to be beforehand with him. If the King thinks proper to apprehend him, it should be done without noise. His name should not be mentioned any more, and at the same time all his papers should be seized. He has a companion called Fraser, who has attended him everywhere. I know nothing more about him.”

When Simon discovered how he stood with the Court of St. Germains, he wrote several letters to Middleton and others, enlarging with his usual eloquence on his personal services and sacrifices, and those which his family had made for unknown periods of years ; concluding one of them in the following strain :—

“ I am daily informed that the Queen has but a scurvy opinion of me, and that I rather did her Majesty bad than good service by my journey. My Lord, I find by that my enemies have greater power with the Queen than I can have, and to please them and ease her Majesty, I am resolved to meddle no more with any affairs till the King is of age. This is leaving the field with a fair victory to my enemies. But I am sure the King’s service will suffer by it, and

perhaps my enemies will not reap the advantage they hope and expect by this victory which they have so long wrought for."*

The time now arrived when he was to experience some of the peculiar attentions from the French Court which there is no doubt he had been instrumental in securing for others from the same quarter. In consequence of the strong influence brought to bear upon King Louis personally by the Queen Mother at St. Germains, Simon was first banished from Paris to Bourges, and after a short stay there under surveillance, arrested in the most undignified manner, and sent to the Castle of Angouleme, where he was cast into a horrid dungeon and kept for nearly five weeks, but subsequently allowed the use of the grounds within the castle walls. And he was practically a prisoner from this date until he escaped from France with and at the instigation of Major James Fraser of Castle Leathers in 1714. Endless statements *pro* and *con* have been made on this point, but he has himself placed the question beyond dispute.

On the advice of his friend, Cardinal Gualterio, he wrote a letter to the Queen Dowager at St. Germains complaining bitterly of the manner in which his proposals for the invasion of Scotland had been received and the reflection cast upon the sincerity of his conduct by the Queen and the principal members of her Court. It was in reality this letter which so incensed her Majesty against him that she had never forgiven him, notwithstanding "the impenitence" he had "performed of thirty-two days in a dark and unwholesome dungeon, of three years' imprisonment in the Castle of Angouleme, and of seven years' imprisonment in the city of Saumur." This practically accounts for the whole period of his absence from Scotland, which he left in the end of 1703, until he arrived at Dover from France in an open sailing boat on the 14th of November, 1714.

He declared in his letter to the Queen, that he was greatly mortified that he had so often exposed his life and sacrificed his property in bringing to perfection a project which her

* *Lives of Simon Lord Lovat and Duncan Forbes of Culloden*, pp. 97-101.

Majesty, in contradiction to the most formal and positive promises, had overturned at one blow, and which would in all human appearance have seated King James upon the throne of his ancestors. He told her that every loyal subject in the Scottish nation would be as much afflicted at the unfortunate event as he was, and insisted that, "while her Majesty implicitly followed the advice of the people who were at the head of the English Parliament Jesus Christ would come in the clouds before the King, her son, would be restored." And he concluded this plain-speaking epistle by saying that for his part he would never more draw his sword in the Royal cause so long as the Regency was in her Majesty's hands, but that when her son should be of sufficient age to take charge of his affairs, he would expose himself at the head of his whole clan, to the last drop of his blood, in the King's cause. "The Queen placed this letter immediately into the hands of Lord Middleton, who declared that it was full of high treason and the most glaring disobedience, and that if Lord Lovat had written such a letter to a Queen reigning in Scotland his head must have paid the forfeit of his insolence. Irritated by these representations, the Queen took the letter in high resentment, waited upon the King of France, entreating him, for his rebellion, to commit Lord Lovat to the Bastile, and adding that she would otherwise be obliged entirely to withdraw herself from the world, that she might no longer be exposed to such insults on the part of her subjects." According to Simon's own account, the French King tried to prevail upon her Majesty to pardon him for this "failure of respect, which originated only in the thoughtlessness of youth, and the fervency of his zeal for the King, her son." But she was inexorable. She returned repeatedly to the charge, and ultimately succeeded in her object. Lovat was ordered to leave Paris for Bourges, the King allowing him a hundred crowns, the ordinary pension of a Major-General —equal to £12 10s—per month for his sustenance, and a thousand crowns, or £125, in one sum, to pay the expenses of his journey. Louis, after Simon's arrival, sent him a

personal gift of 400 crowns, £50, which so gratified him that on the occasion of the birth of the first Duke of Bretagne, "he resolved to spend four or five hundred pistoles (about £400) of ready money to celebrate this illustrious birth, and to display his attachment to France in the most magnificent manner. As wine was very cheap in the province of Berry, Lord Lovat bought several tuns, which he caused to be formed into fountains that ran along the whole evening for all the populace of Bourges." The Dowager Queen still continued to plot against him, and "after having experienced multiplied refusals, she at last obtained of the most Christian King an order for Lord Lovat to be arrested and sent prisoner to one of the Royal castles." He says that he was entirely ignorant of what was going on behind his back, until one day when he was at dinner, on the 4th of August, 1704, at the house of M. le Roy, into whose keeping he was given by the Intendant or Governor of Bourges, a grand prevot, accompanied by his lieutenant and twenty-four archers, stole into the drawing-room and seized Lord Lovat as if he had been an assassin, demanding from him his sword in the King's name. Lord Lovat delivered it with great tranquility, saying that he had never designed to draw it but in the cause of his King, or for the interests of France, as he had always hitherto done. They paid no attention to what he said. They took him by the arms and legs, and dragged him like a dog from the saloon in which he had dined to his apartment above stairs. Here the prevot pillaged him in the most inhuman manner of his papers, of his purse, his watches, his jewels, and in a word of every thing he had. It was only by the greatest menaces on the part of M. le Roy, a man of ability and merit, and the most incorruptible, that this brute of a prevot was induced to return to Lord Lovat—just what the rascal pleased. This ruffian, not content with having maltreated Lord Lovat in his own apartment, conducted him on foot at high noon through the middle of the town on a market day, hemmed in with files of his archers, and a whole crowd of the populace as if

he had been conducting him to the gallows. In this manner he was obliged to submit to all the raillery of an insolent and uncivilised mob, while every respectable inhabitant of the city, in which he was honoured and esteemed, wept over his misfortune and the ignominy of his disgrace. The villain of a prevot was so obliging as to attend Lord Lovat with his archers all the way to Angouleme. He had the luck to produce a cursed little chaise, where Lord Lovat was in a manner buried alive under the unwielding bulk of this enormous porpoise. Such a situation, united with the extreme heat of the season, had so dreadful an effect that his Lordship was apprehensive of dying upon his route. The illness, however, of this unfortunate nobleman, and the various unpleasant circumstances with which he was overwhelmed, were not able in the smallest degree to mollify the barbarous manners of this rude officer, who probably imagined that a British Lord was a kind of monster in the shape of a man. Lord Lovat was not able precisely to determine whether it was through the generous recommendation of the humane prevot, or rather through the malice of Lord Middleton and his enemies at the Court of St. Germains, that upon his arrival at the Castle of Angouleme he was thrust into a horrible dungeon, which had been from time immemorial the unviolated habitation of coiners and murderers. It was a gentleman of this last class whom the consideration of Lord Lovat's friends obliged to give way to him in the present instance. His page, who was a young gentleman of the Fraser clan, and the only person permitted to witness his sufferings, conceived so extreme a horror at this dungeon as to fall ill the first night, and to be for six months given over by the physicians. Lord Lovat remained in this apartment, shut up for thirty-two days in perfect darkness, where he every moment expected death and prepared to meet it with becoming fortitude. As an express prohibition had been given to communicate anything to him in writing, or even to utter a word in his presence; and as he was unable to conceive the reason of this barbarous

treatment, conscious of his entire innocence of all that his adversaries had laid to his charge; all that the enemies of France had imputed as most horrible to the French Government was continually passing through his mind. He listened with eagerness and anxiety to every noise, and, when his door creaked upon it hinges, he believed that it was the executioner come to put an end to his unfortunate days. Since, however, Lord Lovat perceived that the last punishment continued to be delayed, he thought proper to address himself to a grim jailoress, who came every day to throw him something to eat, in the same silent and cautious manner in which you would feed a mad dog. He entreated her to have the goodness to give him paper, pen, and ink, in order to write a letter to the Minister. She replied that it was more than her life was worth to comply with his request. Lord Lovat answered that he would give her the letter open, that she might see he wrote nothing that could have any sinister consequence to her, or could give offence to the Court. He added, that to reward her civility, he would put his purse in her hands that she might take whatever she thought proper. The clink of the louis d'or subdued the inexorable virtue of the fair jailoress. She furnished Lord Lovat with the materials he wanted, and he immediately wrote to Cardinal Gualterio, the Marquis de Torcy, and the Marchioness de la Frezeliere. About twelve days after this transaction M. de Bores, Lieutenant of the town and Castle of Angouleme, and who has ever since treated Lord Lovat as his son, came himself to liberate him from the dungeon. He conjured him to believe that he was in the utmost degree afflicted that a man of his rank had been thrust into that horrible place; it was the fault of a stupid wretch of a Captain, who commanded at that time in the Castle, while he was at his country house, where he usually spent a good part of his time. He added, that he had orders from the Marquis de Torcy to grant him the entire liberty of the Castle, at the same time taking his parole of honour in writing that he would not leave France without

the consent of the King, which engagement he was to send to the Marquis. It was this interview that first convinced Lord Lovat that the Court of France had no share in producing the inhuman treatment he had received.* He was confined in the Castle of Angouleme for three years, during the last two months of which he was allowed to have the companionship of his brother John.

On the 2nd of August, 1707, he received the commands of the French King to remove to the town of Saumur till further orders, where his brother John was permitted to accompany him, and where he was kept prisoner on parole for the next seven years. Here he arrived, according to his own account, in the month of October following, having spent some time on the way at the residence of his friend, the Marquis de Frezeliere, about nine leagues from Saumur, where, during his imprisonment, he is said to have occupied "a genteel house, kept a handsome equipage, and saw and was seen by the best company in that polite and populous neighbourhood," and it will be found later on that he had a liberal supply of money, good furniture, and a considerable quantity of plate. In this situation we shall for the present leave him until the arrival of Major James Fraser of Castle Leathers at Saumur early in July, 1714, while we give an account of the important events which had been going on in Scotland during Simon's absence abroad.

It has been already shown how the family of Atholl were defeated in their attempts to marry the Lovat heiress, Amelia Fraser, eldest daughter of Hugh, eleventh Lord, to the son and heir of Lord Saltoun. Having failed in this project they resolved upon marrying her to Alexander, son of Sir Roderick Mackenzie, son of Sir John Mackenzie of Tarbat, and brother of George, first Earl of Cromarty. Sir Roderick was also one of the Judges of the Court of Session, a fact which was expected to prove advantageous in securing the Fraser family estates and titles to his son and the heiress, although there never was any doubt that the barony of Lovat was

* *Memoirs of his Life* written by himself, pp. 269-303.

settled on the male heir of Hugh, the fifth Lord, in whose favour all the family estates were created into one free barony by Royal Charter, dated at Linlithgow, on the 26th of March, 1539. But Simon was in exile, and his own life, as well as his life-rent of the estate, had been forfeited. This, however, would not affect any other member of the family whose blood was not attainted. To get over this difficulty the old judge hit upon a clever stratagem. He discovered that in 1669 a creditor had obtained an apprising or execution against the Lovat estates for £1000 Scots. His Lordship purchased the right to this claim, and he on that title, and his daughter-in-law as heiress, joined in a process of reduction, improbation, and declarator, against Simon in his absence, and there being no defence, on the 2nd of December, 1702, he obtained a decree of the Court of Session in his own favour of the estates, and in her favour for the ancient honours and title of the family. On the 9th of March, 1703, Prestonhall adjudged the barony of Lovat and was thus in nominal possession of the family estates of the Frasers. He thereupon resigned them to the Crown and had them immediately re-conveyed to himself. Having thus, as he thought, fully established his legal rights to the extensive heritage of this ancient family he executed an entail of the whole estate upon his son, who now assumed the title of Fraserdale, and his wife, Amelia Fraser, whom he styles in the deed, Lady Lovat, and at the same time designates her eldest son, Hugh, Master of Lovat. But the wily old judge over-reached himself. His intention seems to have been, but only in the meantime, to please the Frasers by describing his son Alexander, of Fraserdale, and providing that he and his successors should take the name and bear the arms of Fraser, as he arranged in the first deed of entail, for he reserves a power in it of making such alterations hereafter as he might deem fit. He now appears shortsightedly to have resolved upon dropping the name of Fraser altogether and placing his own name of Mackenzie permanently in its place. We are not able to give the original deed of entail at length, but its leading

provisions are reproduced in the second, which was executed on the 23rd of February, 1706, and is in the following terms :—

“ Be it known to all men, by these presents, me, Sir Roderick Mackenzie of Prestonhall, one of the Senators of the College of Justice, forasmuch I did make a disposition of tailzie of the lands, lordships, and others, of the estate of Lovat, and other rights thereto belonging, of date the ninth day of February, one thousand seven hundred and six years, registered in the register of tailzies, at Edinburgh, the 27th day of February, the said year, to and in favour of Alexander Mackenzie, my son, and Hugh, Master of Lovat, son of the said Alexander Mackenzie, in fee and life-rent, with reservations, conditions, and limitations, at length therein contained, and particularly with a reservation to myself at any time in my life, to alter the same, to sell, annailzie, or dispone upon the said lands and rights, in whole or in part, at my pleasure : which disposition does contain several limitations and irritancies, and particularly that the said Hugh, Master of Lovat, my grandchild, and his heirs of tailzie, should bear the sirname and arms of Fraser, and coat of arms therein mentioned, in a quartered shield, carrying three freses or strawberry leaves in the first quarter, for the name of Fraser, and one hart-head in the second quarter, for the name of Mackenzie, three legs in the head quarter, for the name of Macleod of Lews, and three crowns in the fourth quarter, for the name of Bisset ; and that under the penalty of losing their right of succession to the lands and rights disponed, in case they, or any of the said heirs of tailzie, should not bear the said sirname of Fraser, or alter the said arms : yet, nevertheless, by virtue of the power reserved to me, by my said disposition and tailzie, for certain motives and good considerations moving me, wit ye me, by these presents, to grant full power and warrant to the said Hugh Master of Lovat himself, or to any of his heirs of tailzie, if they shall think fit, in place of the sirname of Fraser, to carry the sirname of Mackenzie, and to alter the said coat of arms, by carrying the deer’s head in the first quarter, and the three freses, or strawberry leaves, only in the second quarter, and that without any hazard, danger, or prejudice of incurring the irritancies contained in the foresaid disposition of tailzie, which are hereby taken off, in so far as concerns the alteration of the name and arms above specified, without prejudice of the provisions of tailzie, and other clauses whatsoever contained in the foresaid disposition and the clauses irritant adjected to them ; which are hereby no wise to be prejudged, but expressly ratified and approved. With provision and condition also, that the said sirname and arms being once altered, and recorded so in the books of Heraldry, or in the Lord Lyon’s Office, that it shall not be in the

power of the said heir of tailzie, who alters the same, or assumes the sirname of Mackenzie, ever thereafter to return to the sirname of Fraser and their former bearing, under the hazard of the irritancies and penalty contained in the foresaid disposition of tailzie, which, *brevitatis causa*, are here holden as repeated. And, for the more security, I am content, and consent that these presents be inserted and registered in the books of Council and Session, or in the Lord Lyon's Register, as shall be judged most convenient: and constitute

my procurators for that effect. In witness whereof, I have written and subscribed these presents at Edinburgh, the 23rd day of February, 1706 years, before these witnesses, Kenneth Mackenzie and Donald Merchison, my servants.

(Signed) "ROD. MACKENZIE."

In 1709, after the break up of the conference held that year at the Hague, the Jacobites believed the time had arrived for an invasion of Great Britain, and Simon, who, it may be taken for granted, was not consulted by them, wrote an oracular letter to Lord Melville, who, as the Earl of Leven, was instrumental in introducing him to the Duke of Queensberry in 1702, and laid the foundation of the "Scottish Plot," which created so great a sensation at that time and subsequently. Lovat was not then aware that Melville, who at the date of the plot was a strong Hanoverian, had in the meantime seen cause to change sides and become an enthusiastic Jacobite. Simon, after a few apparently meaningless expressions in this letter, said that "if the war continues, you will most surely have the visit you missed last year. If that happens, be fully persuaded that you will see me soon after, to live and die with you, at the head of some brave fellows that will follow me in spite of all mankind." The letter is dated the 20th of August, 1709, but Melville seems to have kept it for some time in his possession, and then to have sent it to Lord Middleton at the Court of St. Germains, a piece of treachery which almost justifies Simon in describing him as "one of the vilest hypocrites upon the face of the earth, for betraying in so base a manner the most sacred confidence." On the 8th of March, 1711, Middleton, in confirmation of his own suspicions, forwarded the letter to the Marquis de Torcy, Lovat's great friend at the French Court, saying—

"Here, sir, is a spy of consequence unmasked, and we know very well the means of preventing this correspondence in the future." This fatal letter will turn up later on at a most critical stage in the history of our hero, for it was carefully kept in the possession of exiled Royalty at St. Germains.

The proceedings of Prestonhall were of course known among the clan and strongly resented by the great majority of them, and early in 1714 meetings were held by several of the leaders, who had heard a rumour that Simon was still alive, though they had long thought he "had rotted in the Bastile," with the object of discovering whether the rumour was true or not. Major James Fraser, a younger brother of Culduthel, and Alexander Fraser of Phopachy, with this view called together four other heads of families in whom they had the utmost confidence, and swore them to fidelity and absolute secrecy. These were Alexander Fraser of Culduthel, Hugh Fraser of Foyers, Hugh Fraser of Struy, and Major Fraser of Castle Fraser. They resolved that one of the six should go abroad to find out if their chief was alive, being persuaded that upon King George's accession, which was daily expected, Queen Anne being at the time very ill, "there would arise some disturbance in Britain, and if Simon could be stolen out of France, he might come to fish in drumly waters." In March, the Major and Phopachy, taking John, Simon's brother, along with them as far as Castle Fraser, went privately to Sir Peter Fraser of Durris in Aberdeenshire, and took him into their confidence. This gentleman was on very intimate terms with George I., having previously resided for three years at his Court in Hanover. He questioned them and being assured that the whole of the Clan Fraser in Inverness-shire were Protestants, and in favour of the Hanoverian succession, he undertook to write to King George informing him of all this, and he kept his promise.

Major Fraser and Phopachy thereupon returned to their friends, and the next and most important question was

who of the six should go in search of their chief. In April the matter was deliberately voted upon, "when the vote fell upon the poor Major, who had eleven small children, and he not being bred a scholar, and having no languages but his mother's tongues, the English and Irish (Gaelic), thought it a hardship to leave his wife and children to go to a foreign country, where he understood none of their language. However, he resolved to venture at all hazards, but the great question was to prepossess her (his wife) of the story and to swear (her) to secrecy." He then called upon Brigadier Mackintosh of Borlum, who was a strong Jacobite, and, pretending to be in that interest himself, the Major told him his story in so far as he thought it might "be palatable to him," and asked that gentleman to give him credentials to St. Germains, for "that he might expect, if there was anything ado, that the King, his master, might be sure of the whole Clan Fraser. Whereupon the Brigadier jumped to the bait, and gave his cousin, Major Fraser, such credentials as was proper for that occasion, but withal told him that there was a letter which he saw with the King (as he called him) which he was afraid would stand the Major a pull to get over." The latter begged of the Brigadier to let him know what it contained, but he refused to do so at the time, fearing that it might so far discourage his visitor as to induce him to give up his journey. They, however, parted good friends, Mackintosh wishing the Major every success in his plucky enterprise.

On the 1st of May, 1714, Major Fraser started from his house on this famous journey, at 4 o'clock in the morning, "with his haversack on his back, and left his wife and children sprawling on the ground in tears." He proceeded on his way until he reached Newcastle, and from there he went to Shields, and from thence took passage in a collier to London, where he arrived safely in due course. Here he obtained an interview with the Earl of Islay, brother of the Duke of Argyll, Sir James Campbell of Ardkinglass, and John Forbes of Culloden. Having explained his object to these gentlemen, he found that while Ardkinglass

and Culloden "were very sanguine" and gave him "a good bowl of punch that night before they parted, and wished him good success," Lord Islay was by no means hearty in the project. The Major having parted with his friends in London, proceeded down the river to Gravesend, where he found "a little smuggler of a vessel belonging to a Frenchman," with whom he arranged a passage to Calais. The captain and crew do not, however, seem to have been very loyal in carrying out their agreement, for the passenger informs us that "not having time to bring any provisions aboard, only a little bread and cheese, he thought of no drink; the winds being contrary, was sore put to it by the rascals. The Major not having their language, was like to fall foul of them; and in the end, their cruelty came to such a height that they would not give him drink, the bread and cheese drying him up, he was necessitated to draw his sword, and was resolved to kill the three (being no more aboard) and to run the vessel to land; which when they saw that he turned so desperate gave him some small beer. But he was thereafter necessitated to watch them for three nights for fear they had attempted to kill him. But when they came in sight of Calais, the rascals demanded his freight. He then stood to his guard, and resolved he would give them none until they would land him, that he might have justice of them for using him so ill as not to give him drink and a bed to lay in, which was their paction at Gravesend." "When we arrived at the pier at Calais," he continues, "the Major stepping out, and a great many upon the shore, he called and asked if there was any there that understood his language. An Irish gentleman there made answer that he understood and spoke that language. The Major entreated of the gentleman that he might accept a bottle of wine from him. The gentleman said he was ready to give or take one. The Major entreated that he might have justice of those little Frenchmen, who used him so ill in his passage; whereupon the gentleman called for a Magistrate and examined both parties. The skipper was found guilty of oppression and fined in

a gallon of wine, and not a farthing to be paid for his passage, which made us all very hearty." The Major started next morning for Paris. On his way he called at a small roadside country cottage, and the day being excessively hot and he very dry he asked the woman of the house for a drink of milk and water, but she could not understand him. He then "curried" down, as he calls it, and imitated the process of milking a cow, with the result that the hostess brought him a glass of milk. He was challenged further on at a garrison town, but succeeded in making the Governor believe that he was on his way to visit two brothers in Germany, whereupon that official became very civil and gave him "two bumpers of wine." On his arrival in Paris he met Hugh, son of Sir Archibald Campbell of Calder, who was there at the time completing his education, and having found a communication awaiting him from Lord Simon, he proceeded after three days' sojourn in the French Capital to the City of Orleans, and from thence to Saumur, where he found his Lordship, who "could not express himself for joy that he had seen in that part of the world the only man that he had loved best of his name." So writes the Major, while Simon himself says, "that he was most agreeably surprised to see one of the principal gentlemen of his clan, with a Fraser as his attendant, arrive at Saumur, about the beginning of July, 1714. To have with him a man of courage and understanding, who had been constantly with the Frasers from the beginning of their troubles, and who could give him an exact and particular account of every thing that respected them was a circumstance as happy as it had been totally unforeseen by him." The last sentence, however, is not quite accurate, for the Major has himself told us that he found a communication from Simon awaiting him on his arrival in Paris.

His Lordship then describes the Major as the "son of Malcolm Fraser of Culduthel, the head of a very considerable branch of the house of Lovat, which was composed of some of the bravest gentlemen in the world and had

uniformly distinguished itself during the whole period of their present adversity by a zeal for the person and interest of Lord Lovat. In this cause they had lost their property and were continually in danger of their lives." Major Fraser carried a letter from Simon's brother John and the principal gentlemen of the clan, in which they expressed their serious concern at his continued absence, and gave strong reasons why he should at once return home and join himself to the Duke of Argyll in consideration of the ancient friendship between their families, and for other cogent reasons.*

The Major strongly urged upon Simon to return to his clan, but he replied that this was impossible without permission from the Court of St. Germains, and he knew that in consequence of the adverse influence of the Dukes of Atholl and Hamilton that could not be obtained. The Major continued to press the matter for several days and then asked permission to proceed personally to Bar-le-duc, where the Pretender then resided, and ask him why he insisted on keeping his chief in banishment to satisfy his enemies, and who, he said, were never true or faithful to the Prince himself or to his predecessors. His Lordship at first demurred but finally yielded to the pressing solicitations of his friend, and wrote eighteen letters for him, six of which were for the Court of France, eight for the Court of St. Germains, and four for friends at Bar-le-duc. Fraser first visited Paris, where he was informed that if the exiled Court gave the necessary permission for Lovat to return to Scotland the French Court would raise no objections.

Having so far succeeded he set out after ten days in the French capital for St. Germains, where he arrived on a Sunday morning, and sent in his letter of introduction to the Duke of Perth, who immediately gave him a private audience. He produced the letter given him for his Grace by Brigadier Mackintosh of Borlum before he left Scotland. But the Duke advised him not to deliver any communications he might have for Lord Middleton, who he said was "a

* *Memoirs of his Life* written by himself, pp. 417-419.

mortal and declared enemy" of Lovat. An arrangement was made for another interview next morning, when the Duke produced the letter which had been referred to by Brigadier Mackintosh as being the only barrier in his way in securing terms for Lord Lovat. This letter, says the Major, was sent by Lord Simon with "Mr John, his brother, when he went from France in the year 1713. The letter was directed to the Earl of Leven, cousin of Lord Simon, intreating him to take care of his poor brother, and that he sent him home in case there was any stir in Scotland that he would head the Frasers on whatever side the Duke of Argyll was on." Lord Leven, who was at the date of the letter a strong supporter of Argyll and the Government, had in the meantime gone over to the Jacobites, and treacherously forwarded Lovat's letter to the Pretender, who passed it on to the Duke of Perth. This was a staggering blow to the redoubted Major, but he determined to persevere notwithstanding, and at his request his Grace gave him a letter of introduction to the Queen Mother, who was then spending a short time at the Convent of the Visitation de Ste Marie de Chaillot, a favourite retreat of hers. The Duke gave him, in addition, a letter to the young Pretender himself, another for Father Innes, the Queen's Almoner, one to Sir Thomas Higgins, then Secretary of State at St. Germains, and one for Colonel Scott.

The Major then returned to Paris, and got Mr Hugh Campbell, already mentioned, to show him the way to Chaillot. Arriving there he had his letter of introduction from the Duke of Perth delivered to the Queen, and was shown into a low room, where he had to remain for an hour before he received intimation that her Majesty would give him an audience. The "old matron" who received him on entry, now appeared "and opened up a graite that was on the side of the room and told the Major in English that the Queen was just a-coming to speak to him." He "never having before had the honour to be so near a Queen stood upon his good behaviour. Her Majesty having come to this graite desired the Major to draw near and told him,

by way of Jesuit, that she was glad to see a Scotsman, and a man so resolute to travel the country of France without the language, and that she was sure that nothing obliged him to it but the honour of serving his King and his country. With many such flourishing expressions," she said that she would write to her son in favour of the Major. "With a vast many protestations she reached out her hand at the graite" and desired him to kiss it, and wished him every success with her son, the Chevalier, then at Bar-le-duc, when she was at the time "sending him an April errand" a distance of three hundred miles, "which she might have spared him if she had not been a real Jesuit, and, according to her belief, yet in Purgatory till she make atonement to the poor Major for the sweat he lost" traversing this unnecessary distance. She told him at parting that she would at once write to her son a letter in his favour which would reach him at Bar-le-duc three days before the Major could get there, "when at the same time she sent off that morning a courier extraordinary with news of Queen Anne's death at London," which Fraser knew nothing of until he returned that night to Paris, it being then Wednesday, Queen Anne having died on the previous Sunday. It was known and freely spoken of in Paris that the Queen Mother had sent for the Chevalier to come on at once to her. "The Major smelt a rat, and found his mistake if what the gentleman (of his acquaintance) said was true, and that certainly the famous Italian Queen had acted the Jesuit." He, however, proceeded on his journey, accompanied by his friend Hugh Campbell a part of the way. But they had not gone more than half a league when they met four horsemen riding past and a post-chaise following them close behind. His companion said to the Major that the riders were the Chevalier's servants, and suggested that the august personage himself was the occupant of the post-chaise, the blinds of which had been drawn down so that no one could see who was within. Here the two parted, and the Major, though feeling almost certain that he had been imposed upon, continued his journey until he reached the town of Challons-

sur-Marne, where he met an Irish soldier, who told him in English, that the Chevalier had left Bar-le-duc five days before in response to an express message from the Queen at Chaillot. It is no wonder "that the Major, then being at a stand how to behave, began *to pray heartily*," as he expresses it, "for the mother and the son." He then returned to the small town of Meaux, where he met a Capucine who confirmed all the Irish soldier had told him, adding that while consulting his friends, and before he was there an hour, he received a message from the French King, directing him as he valued his friendship, to turn back from his intended visit to Britain, and that he would very soon send him across with a glorious army. He then went back to Bar-le-duc. The Major, determined to "make his pull good," also returned to the same place, where he arrived on the following Saturday night, took up his quarters in an Irishman's house, and was there told that the Chevalier had again left that morning for Lunéville, the seat of the Duke of Lorraine. Here was another disappointment, but the Major was resolute, and on Monday he followed the Prince, secured an interview with him, presented his credentials, and was asked if he was the same man who had visited the Queen at Chaillot. Having replied in the affirmative, the Chevalier asked him where he had been since, and was told "that he believed that the Queen sent him a-gouking, whereupon he smiled, and asked the Major why he thought so." Fraser repeated the story already known to the reader. The Prince then asked several more questions, particularly if he knew the French language, and how, without it, he found his way through France and the woods of Germany to that place? Further questioned as to his want of French, Fraser admitted that he only knew three words—"the first, to ask the road; the second, to ask a bottle of wine; and the third, a bed at night." The Prince asked him to repeat these words, to which he replied that he was ashamed to do so before so many gentlemen as were then present, but that he would be glad to comply with his Majesty's request in his own room. But the Chevalier

insisting, he “repeated them, when they all burst out a-laughing. The Major stood grave and told his Majesty that he was glad to come 12 or 13 hundred miles to make his Majesty laugh so hearty.” The Prince, Sir Thomas Higgins, and the Major then went into the Royal bed chamber, when his Highness opened and read the letter which Fraser had brought him from Lord Simon, observing that it was “very promising,” but for his part he did not believe one word of it, considering that when he (Simon) sent home his brother John he had written a letter to Lord Leven to desire John to raise the Frasers in case there should be any stir upon the Queen’s death, and to espouse that side, whichever it was, which the Duke of Argyll took, “which letter he took out of his closet and asked (the Major) if it was his chief’s writing?” This was a staggering blow, but Fraser suggested that it might be a forgery, to which the Chevalier replied that it had been sent to him by the Earl of Leven himself, who advised him to keep Lord Simon fast in prison. The Major still urged the advisability of setting his chief at liberty and so secure the support of a thousand good men to his interest. The Prince replied that he would be chief of the Frasers himself, but as for Simon he should never get out of France if he could stop him. The Major then said that his commission from the clan “was to declare their minds, which was, that if he would give them their natural chief they would venture their lives and fortunes in his cause; and if not, they declared that if they should die to a man, they would never draw a sword for him or any of his. Whereupon with a smile, he (the Chevalier) took the Major by the button of his clothes, and told him that he was sure *he* would fight. The Major replied that his fighting was of no great use to any man, and that he behoved to do as the rest of his clan did.” He was then asked to make out a list of all the heads of families of the whole of the name of Fraser, and told that he would get commissions for them all, according to their respective stations, that a thousand guineas would be remitted to Edinburgh, the Major to

dispose of the money as he thought proper, and to place the officers appointed on half-pay until his (the Prince's) restoration. All this Fraser respectfully declined, saying that he had no authority which would entitle him to accept such commissions, and that he neither could, nor would betray his trust to his friends and clansmen. The Prince, finding he could make nothing of his visitor, requested him not to go near his chief at Saumur on his way home, but to proceed direct for Rouen, and that he would order his representative there, Robert Arbuthnot, to land him in any part of Britain he desired and that he would direct the same gentleman to pay all his charges and his passage across. The Major, however, insisted that he must see Lord Simon before he returned home so that he might order some supplies for his brother John, whom he (Fraser) left at his own house when he came away from the Highlands. The Prince reluctantly acquiesced, at the same time expressing the hope that nothing prejudicial to his interest would occur. The Major told him there should not, for he thought in the circumstances, "it was no sin to have some mental reservation, any more than one of his (the Chevalier's) persuasion thought there was in destroying heretics." Having taken leave of the Prince, he received a message that the Duke of Lorraine was anxious to see a Highlander who had done so much in the interest of his chief under such difficult conditions. He was called back, and was kept ten days hunting and hawking. The Duke, who at first thought a man who came such a long distance on foot could not ride, presented him with a very fine horse, with furniture and pistols to take away with him when he left, and the Duchess made him a gift of a fine Hungarian tobacco pipe worth three pistoles. But the Major, while undoubtedly proud of such gifts from Royalty, does not tell us all about them nor of the trick which these Royalties tried to play upon him at the Duke of Lorraine's. It is however related by Lord Simon in the *Memoirs*, where he says that "the Duke of Lorraine, having understood that there was a gentleman from the Highlands of Scotland

arrived at his Court to speak to the King, begged his Majesty to order this Highlander to dine with them the next day. The King immediately sent to desire Sir Thomas Higgins to stop Mr Fraser, who received the order with all the respect and submission that was due to it, and dined next day with his Majesty and the Duke of Lorraine. The Duke being informed that the Highlander had come from Scotland to Luneville on foot, and that he preferred that mode of travelling to riding on horseback, presumed that he did not know how to mount a horse. The Highlander offered, if his Royal Highness would permit him, to mount the best blooded horse in his stable. Said the Duke—‘We are going a-hunting after dinner, and I will provide you with a horse, in order to see an exhibition of your skill.’ The King, the Duke and Duchess of Lorraine, and the ladies of the Court now prepared for the chase. They gave Mr Fraser the most vigorous horse in the stable, and luckily Sir Thomas Higgins at the same time provided him with a very heavy and substantial pair of boots. Scarcely was he mounted when the beast, who was perfectly savage and unbroken, made such furious curvets that he expected every moment to be crushed to death against the walls of the court. He had, however, been brought up a very good horseman, and therefore kept his seat in a firm manner in spite of the viciousness of his horse, till the dogs had turned out the hare. Then Mr Fraser put spurs to his horse, and perfectly outstripped the harriers. He turned the hare three or four times, and struck him with a large whip that he carried in his hand. He leaped every hedge and ditch that came in his way, lost his hat and wig, and excited infinite laughter in all the Court, who expected every moment that he would break his neck. The ladies, however, had not the pleasure of seeing much of the hare, Mr Fraser having killed it in the beginning of the chase. Upon their return the Duke of Lorraine observed to the Highlander that, since he was so good a horseman, it would be a pity that he should return again into Scotland on foot; he would give him a horse that

would enable him to perform his duty in a more agreeable manner. The Highlander made a profound bow for his Highness's generosity. Meanwhile, the Duchess of Lorraine, having observed that he smoked tobacco, had the goodness to make him a present of a very fine Hungary pipe. Next day he set out with his horse and pipe, highly charmed with the gracious manners of the Duke and Duchess of Lorraine, and the honours that had been paid him at their Court, which is indeed an extremely polite one. Mr Fraser rode in two days from Luneville to Paris, and was two days more in travelling from Paris to Saumur, which together amounted to one hundred and forty leagues (420 miles). He was, however, almost disabled with the expedition he had made.* Fraser did not call on his way back to Saumur either at Paris or St. Germains, being anxious to reach his chief and report his experiences to him as quickly as possible.

On his arrival the Major told Lovat that so far from being successful in securing his release he found that he was for ever ruined with the exiled Court, so much so that all his friends in Scotland could make no impression in his favour. He related all his experiences, telling his chief that the Chevalier intended to proceed to Scotland in the following month of October and that if he did not escape before that date, he must expect to be confined for life and ruined, while his clan would be dispersed, lost, and annihilated for ever. The effect upon Lovat was, as he himself tells us, that he thought no longer of anything else but to get out of France as quickly as possible, but having given his parole in writing to the Marquis de Torcy that he would not leave without the consent of the King, he thought it proper to write to that statesman acquainting him with the treatment meted out to him at St. Germains; that he no longer considered his life secure in France; and requesting that the Marquis should not regard his departure as a breach of his parole, and that on that point he would take his silence for a tacit permission to return home to the

* *Memoirs of Simon Lord Lovat* by himself, pp. 447-450.

Highlands, which in fact, he says, he privately long wished him to do.

The Major, however, describes an incident antecedent to this which Simon himself says nothing about. He tells us that on his arrival he was joyfully received by his chief, but that this was soon changed in consequence of misrepresentations by his Lordship's servant, whom the Major describes as "a little valet of the name of Fraser which Lord Simon wrote for two or three years before that." The Major "trusted this rascal as much as if he was his son, and was at a great deal of pains with him" during the journey. Next morning the valet went to Lovat and told him that he had seen a large packet of letters with the Major, and that he had no doubt they were commissions from the Pretender, from whom he certainly received that fine horse to help him to make the best of his way to Scotland, and that he also had a great weight of gold or silver in his breeches pockets. In the morning the Major came into the room to salute Lovat, "who looked like a tiger on a chain, and asked him if it was to betray him he came to that country?" The Major was staggered, and asked if any of his acquaintances of the Church of Rome had been telling his Lordship anything against him? Simon answered, in a great passion, that it was a better church than any he pretended to belong to. "According to your faith be it unto you, for I should not be one of that communion," replied the other. Lovat continued in that frame of mind till dinner, when the Major, "finding that he had at his stomach something extraordinary, put on his clothes, made ready his horse, and came in to ask his commands for Scotland. He, like a Jesuit, threw himself about the Major's neck, and told him if he should leave him he never expected to see his country," whereupon Fraser pleaded with him to tell him the reason of his great passion in the morning. He would not tell, but said—"My dear Major, you know my failing, and am naturally passionate; and that you are the man on earth that has the best reason to sympathise with me; for by God, if I be to conquer a kingdom you

shall share more of mine than my only brother John will do." The Major yielded, and he was soon after called into Lovat's private room to consider what was best to be done, when it was arranged that they should both post and meet King George I., who had not yet left for Britain, but was still at the Hague, and there implore and secure his pardon. Simon thereupon sent for and consulted his physician, who advised him that it would not be safe for him to take three days' posting in his present poor state of health, and that it would be sure to kill him, which, says the Major, "he being always very tender with his carcase, stopped that design." The next step resolved upon was to send "the gentleman valet," with Lovat's credentials to London to see what encouragement the Duke of Argyll, the Earl of Islay, John Forbes of Culloden, Brigadier Grant, and others would give Simon if he could succeed in effecting his escape from France. During the "little rascal's" absence in London, "the Major and his chief went off to the south-west of France, and there lurked for seven weeks, until the valet returned." He brought some encouragement from Brigadier Grant and Culloden, but very little from Argyll and Islay. From the latter two Lovat expected very different news, and on learning their attitude he was in a state of "great consternation how to behave." He and his friend were at the time residing at Mons, a seat belonging to the Marquis de Freselier, and the intelligence brought to him had such an effect upon him that he fell dangerously ill and was despaired of by the doctors. "Then he made his latter will, and was master at that time in cash of £2000, which he left to the Major" to be disposed of as he pleased, only to share it with his brother John.

A letter from his Lordship is given in the *Chiefs of Grant* endorsed the 24th of September, 1714, which appears to be one of those addressed by him at that time to Brigadier Grant. In it he says that "he sent the bearer expressly to tell your friend the Duke (of Argyll) what I cannot commit to paper," and he begs of him to take him very privately to his Grace, and urges that no one but the three of them

shall ever know that he sent him at all. The letter is written as if from a cattle-dealer, the clan being referred to as cattle, the other chiefs as cattle-buyers or merchants, and the representatives of the respective Royal Houses as English drovers. Predicting the looming Rising of the clans, Simon says—

“ We will all be by the ears most assuredly, and every man will have need of his friends, and they should put them in a condition to act while it is time. You know, my dear sir, as well as I do how conveniently my stock lies to drive to either side, or to hinder either side to drive, and I dare say without vanity that my cattle is as good as any of my neighbours', and that I lie in the centre of all the markets of the North, so that if the Duke puts me in a condition to trade he will find that, joined with you and the others engaged in the Company he is concerned in, I will oversell the merchants who are against him as much as any man can do. I own the matter is difficult, for those merchants are very powerful, and they lie so very conveniently for trade that it's almost impossible to hinder their sending south their cattle and goods to what markets they please ; and since they are assured of English drovers to receive them it will be very hard to hinder them. If you live you will see what I tell come to pass ; and if great precautions be not taken you and your neighbours will suffer more than any. Depend upon this advertisement, and I entreat you may use your influence with the Duke to clear my accounts, that I may go and consult with you how to carry on our trade. It is his Grace's interest as well as yours and mine and he will most certainly find it so.”

It will be observed that he was quite ready to “ drive to either side ” ; that is, to fight for whichever party made it best worth his while.

In a letter dated at Saumur, the 29th of September, he says that though all the appearances be in favour of King George, there is a great storm hanging over Scotland, which will break out sooner than people expect, and “ since by all probability the scene will begin in our end of the land, it's the interest of all who are at the heads of clans and families to look to their safety and to the good of the cause they own. Since my heart leads me to live and die with the Duke of Argyll and his family, whatever his fate may be, it's very natural for his Grace to ask and obtain my full remission that I may be put in a condition to serve his

person and interest since my enemies have been for many years the inveterate enemies of the family of Argyll, and are known all over Scotland to be bitter enemies to the family of Hanover. Since I wish, dear sir, with all my soul, we may be on the same side, and that we may join our forces easily against our common enemies, I beg of you to speak seriously to his Grace and to the Earl of Islay to do for me," and if they do not within a month, otherwise he will, to all appearance, be lost to them and perhaps to his own family and friends.

Lovat having in time recovered, the Major strongly urged upon him to proceed to London at all risks and throw himself on the mercy of George I., now settled on the British throne, at the same time that Fraser "knew that his whole intention was to serve the Pretender." He, however, thought that if it were possible to get him out of France and bring him into direct personal contact with his influential friends in London, they might succeed in bringing him round to support the interests of the existing Government. The Major argued with him that although it was quite true that he then had the favour of the French King and a handsome pension, if Louis died and the Regent, who mortally hated him, came to succeed him, he might expect the next day after the King's death to be thrown into the Bastile. This reasoning had the desired effect. A day was actually appointed for the journey, and both started that night on their way from Mons to Saumur. It was arranged that Lovat should dispose privately of all his effects to his Father Confessor, who resided in the Jesuit College of Saumur. As soon as they arrived there Lord Simon called for that functionary, "and other Jesuits of that College, and told him that his cousin, the Major, had been with the Pretender pleading for his liberty, which he obtained, and that he was to go off by the permission of the Pretender and the King of France home for Scotland, in order to raise his men for the Pretender, which these men (I mean the Jesuits) prayed for his success and kissed him heartily, and also kissed the Major, who was then as great a Jesuit as they."

Lovat now disposed of his effects privately to his Father Confessor, except four trunks which contained his clothes and plate. These were mounted and carried on the back of two coach mares which belonged to himself. Leaving "about the 12th of October, 1714," he rode the horse which the Major received from the Duke of Lorraine, while that gentleman himself travelled on foot in charge of the other two and the baggage which they carried. Simon took the precaution before starting of giving "a caution to his comrades the Jesuits to give out in the town of Saumur that he was going to make a visit to the Governor of Rouen (M. de Roujeault), who was his great friend and kept his money." Travelling through Normandy they soon arrived at Rouen and repaired immediately to his friend's house. Here Lovat received a letter from his old confidant and Father Confessor at Saumur, informing him that an order had been issued by the Court of France, as soon as he was missed, to all seaports to arrest him and his companion, and that special instructions had been sent to Robert Arbuthnot, the Scots factor at Rouen and a confidant of the Court of St. Germains, to seize him and the Major if they turned up at that place. They therefore found it necessary to keep close indoors, while their friends tried to find out any vessel that would land them on the British side of the Channel. But there was none in port that would sail for the next eight or ten days. To the master of one of these, Captain Wheeler, they privately entrusted their baggage, and then sold their horses, except the gift from the Duke of Lorraine. "Having lurked there all the day," they went off at night, Lovat riding the Lorraine horse, "the Major running at his chief's foot," until they came to Dieppe. Here they were again disappointed in finding a ship to take them across, and they started almost immediately through Picardy for Bolougne, where Lord Simon received information from a Jesuit who came that day from Calais, that there was an order from the French Court there also for his arrest. It now became painfully evident that the sooner they cleared out of France the better, and they

succeeded in hiring a fisherman's open boat for fifteen pistoles, the skipper of which agreed to land them for that sum at Dover. But their difficulties were not yet over. The Major insisted upon taking his famous horse, the precious gift of Royalty, on board. The crew would not allow him, and Lovat took their part, but the Major was inflexible. He would not put a foot in the boat without his steed, and in the end he was permitted to have his way. They then set sail at seven o'clock in the evening on the 14th of November, 1714, but had not gone far when a storm arose, so great that they all despaired of their lives, "and the horse turned out so unruly at the sea coming in over him that he was forced to be bound with ropes, in which situation he lay" until they were landed at two o'clock the following afternoon at Dover, where, to the Major's surprise, they were met by Alexander Fraser, Lovat's London solicitor, who told him that he expected them about that time, in consequence, as Simon informs us in his *Memoirs*, of a private request that he should do so, but of which his companion had all along been kept entirely in the dark, for reasons which will presently appear.*

They all remained in Dover that night, and next morning Lovat hired a coach to convey them to Gravesend. When ready to start, his Lordship invited the Major to travel along with him inside the coach, and proposed that their new companion, Alexander Fraser, should ride the Lorraine horse. This the Major promptly declined, saying that he never liked coaching and that he would not on that occasion be confined inside with his Lordship for five pounds. This fully confirmed the suspicion which had been raised in Simon's mind by the baseless stories and suggestions of his Lordship's valet, who made him harbour the idea that the Major intended to betray him, and that as soon as they landed in Britain he would desert him, taking along with him the commissions and money which this "villain" had made his master believe the Major received from the Pretender. And it was in this expectation that Simon sent

* *Major Fraser's Manuscript*, Vol. I., pp. 203-220.

word in advance to Alexander Fraser, his solicitor in London, to meet them on their arrival at Dover. But the Major was still kept in entire ignorance of the suspicions entertained regarding him.

On his refusal to enter the coach, Lovat consulted his newly-arrived friend, and they decided, knowing their companion's temper and courage, to let him have his own way, and simply watch his movements. Simon and Alexander rode in the coach, the Major mounted on his Lorraine steed, until they arrived the same night at Canterbury, by which time their suspicion of him began to abate. His chief professed to be "mighty fond of him that night," and swore many an oath that he would share with him all that he should ever acquire in this world, at the same time asking, if he should be so fortunate as to gain the Lovat estates, what share the Major might expect of them, and offering him there and then, on stamped paper, the best davoch of land on the property. In answer to this proposal the Major recommended him "not to cut his fish until he caught it," adding "that he had no mercenary end in view, but a piece of vanity if by his own small endeavours he would be restored to his living at his place in the country." Next morning they started for Gravesend, the Major leading the way on his favourite charger, and by the time they arrived at that place all suspicion regarding him had fully vanished from Lovat's mind. After a short stay they sent away a boy with the Major's horse to London, and took boat themselves later on to take up their quarters in the heart of the city in lodgings secured for them by Alexander Fraser in the house of a Jacobite haberdasher, before he started to meet them at Dover. They arrived at these lodgings at eleven o'clock at night, but the valet, who had been left in charge of the luggage at Rouen, had not yet reached London. Two days later, however, he duly turned up, when without any previous warning, he was brought face to face with the Major under somewhat startling conditions, of which that gentleman himself gives the following account:—"Upon his (the valet's) first appearance to them, my Lord called

him and the Major. Then my Lord took one of his pistols and gave it to the Major and desired him to shoot that villain. The Major asked him for what? He (Lovat) told him the whole affair, and that 'it was by the villain's means and information he made of you to me at Saumur, that made me go twice to my closet for a pistol to shoot you'; whereupon the Major replied in a great passion, 'Would he (Lovat) believe a villain's false information of a poor gentleman who had left his wife and nine (?eleven) children and exposed himself in an unknown country, without the language'? The Major, telling my Lord this, threw the pistol out of his hand to the wall, and said he had now brought him to British ground to do for himself; that he did not think it safe to serve such a credulous man, who would believe *a wife with a blue sleeve* of his best friends." He then proposed to take leave of them, but Lovat, who was then "afraid of his shadow, his conscience not being right" on account of his having entertained suspicions of the Major which he had now discovered to be utterly groundless and undeserved, took him in his arms and told him that as he brought him from exile and knew that the laws of Britain were against him, and that as he could not entrust his life to anyone but him, he would not part with him, and if he did he would go back to the country he came from and go into a cloister, where he would end his days. This made the Major relent, who had nothing in view but to establish his chief at the head of his clan. He encouraged him not to be afraid, and begged of him not again to believe any stories of his best friends, "which was all useless doctrine to him, as you shall know hereafter," said the Major.

Lord Simon supplies an account of his arrival in London and his subsequent experiences there, which may be given almost in his own words, following it up by Major Fraser's much more detailed and accurate narrative of the same events. His Lordship carefully avoids any reference to his suspicions of Fraser, brought about by the misrepresentations of Simon's valet and the incidents which followed

thereon, already known to the reader, but he informs us that, immediately upon his own arrival in London, he despatched Major James, and Alexander Fraser, his London solicitor, to the Earl of Islay and Brigadier-General Grant. Brigadier Grant, he says, was delighted at Lord Lovat's arrival in good health, and hastened immediately to wait upon him, and to assure him of every good office in his power. But the Earl of Islay was very far from being equally pleased with the intelligence. "It gave him much affliction and regret to see this nobleman once more in England without being yet in safety, even in respect to his life. He expressed the sincerest regret for his having quitted a regular pension in France, at a time that he had nothing to depend on in Britain." He, however, promised to speak in his behalf that very evening to the King; and desired the gentlemen who had waited upon him to return next day to learn his Majesty's answer. When Lovat received this message, he began to repent having precipitated himself into such imminent danger; "there being a sentence of death in force against him in Scotland, and a price fixed upon his head, without having any thing to rely upon for his pardon but a precarious promise from his friends. He was, however, too deeply embarked to be able to draw back; and he finally determined, regardless of the consequences, to throw himself upon the protection of the Duke of Argyll and the Earl of Islay, to live and die in their service, and to take no step in his affairs" but by their concurrence and direction.

On the 19th of November, two or three days after their arrival in London, he writes another letter to the Brigadier, which corroborates the Major's desire to leave him and proceed to the North, and also that the Earl of Islay still had serious doubts about his loyalty to King George and the House of Hanover. Simon says—

"I received the honour of your letter this morning. I give a thousand thanks for your goodness in doing for me. I have more need of your friendship and protection than ever, for James Fraser, Culduthel's son, who came along with me, was vexing me to be away to see his wife and children that I suffered him to go and see

the Earl of Islay this morning to let him know what he had to say to him ; and the Earl of Islay seems to be so little satisfied with what James told him that he seems to doubt of my sincerity in their interest. I must own I am the most unhappy of mankind. To have been barbarously treated as a Hanoverian by the Court of St. Ger-mains these twelve years by-past without intermission, and to have given such proofs of my being for the side that the family of Argyll is on, that I should be now questioned by them, and to oblige me to come upon their promises to England, where they tell me now my life is not safe, and that they know not what to say to secure my remission—it is a very desperate case ; but there is nothing (for it) but a stout heart to a stay brae. I did foresee all the scaffolds that could be before me, and that did not hinder me to venture my life to support my kindred and serve the family of Argyll. If they let me perish it will be a triumph to the family of Atholl and to the Mackenzies, which will be neither honourable nor advantageous to the family of Argyll. I find, dear sir, that I have nobody to rely upon as an undoubted friend but you on this occasion. If you generously help to save my life, which I have most foolishly ventured here without more positive or certain assurances, I do protest to you that while there is a drop of blood in my body I'll venture it, with all those who will follow me, for your person and interest. I am sure you may convince the Duke of Argyll and the Earl of Islay, that the Rosses, Roses, Munroes, and all the Moray lairds, and, in short, all that are in the King's party in the North, will address the King for me, and be overjoyed to have me join them when the Pretender comes to that country, which they may depend upon, in spite of their security and precautions. I throw myself in your arms to beg your assistance in this most critical occasion."

On the 23rd of the same month he writes to the Brigadier, thanking him for what he was doing, and pressing him to solicit the aid of the Duke of Argyll and the Earl of Islay in his favour. He is confident that they will do so. "But," he says, "I must own that I thought to be much better received, since I came in a full and sincere resolution to live and die with them. However, I am resolved to do nothing but by their orders that I may never be blamed if I perish."*

On the 2nd of December, 1714, he writes to the Earl of Sutherland—"I humbly beg of your Lordship to grant me your protection and friendship at the Court, for which I

* *Chiefs of Grant*, pp. 282-284.

have suffered in France these twelve years by-past all that the malice of hell and wicked men could invent," adding that he is now out of their power and is "fully resolved to expose his life for the Royal family of Hanover."*

On the following day, after the Major's visit to the Earl and the Brigadier, Lovat received intelligence by the same persons that Lord Islay had spoken to the King and the Prince, that both were well disposed towards him, but that prudence demanded they should require security from him for his future loyalty before they granted him a pardon. Lord Islay said that in order to procure this it was necessary to present an address to the King in his Lordship's behalf, signed by all his friends who were well affected towards the Government, and that in this address they should enter into an engagement for his loyalty in any sum that the King might desire. He added that he would draw up a draft of an address that would be suitable. This he accordingly did two days after.

With this address Lord Lovat dispatched Major James Fraser to Scotland to get the signatures of his friends. No sooner had he arrived in the county of Inverness, where the estates of Lord Lovat were situated, and declared his errand than, according to Lovat's own version, all the lairds and, in a word, all the nobility, who were well affected to the Government, not only of the county of Inverness, but of the county of Moray, the county of Nairn, the county of Ross, and the county of Sutherland, vied with each other in signing their names. Major Fraser carried the document signed by the counties of Inverness, Moray, and Nairn, and gave it into the hands of the Earl of Islay, then at Edinburgh. On the other hand, Munro of Foulis, then Colonel of the Regiment of the Scottish Guards, tendered it to the Earl of Sutherland, Lord Strathnaver, and the nobility of the counties of Ross and Sutherland, and after they had signed it carried his copy to Edinburgh. Lord Islay carried with him these two addresses to London,

* *The Sutherland Book*, by Sir William Fraser, K.C.B., LL.D., vol. ii., p. 205.

where he arrived on the 1st of March, 1715. "From this moment Lord Lovat believed that his affair would be immediately expedited, but a new and unforeseen obstacle arose. The Duke of Montrose, Secretary of State for Scotland, was gained, as it is said, by the influence of the House of Atholl and the money of Mackenzie of Prestonhall. He therefore earnestly opposed himself to the pardon, and represented Lord Lovat to the King as unworthy of his clemency. Lord Islay was the greatest and most refined politician in the Island of Great Britain. Finding the Secretary of State for Scotland in his way, he thought proper to defer Lord Lovat's affair till, by his own influence and that of the Duke of Argyll, whose credit at the Court of London was extremely high, he had gained the English Minister, and by their means was able to set at defiance the Duke of Montrose and his interest. Lord Lovat was, however, extremely mortified at this event. He had expected that his affair would be completed the moment he set foot in England. Far from this, by the opposition of the Duke of Montrose he was obliged to wait in London from the close of the month of October, 1714, to the close of the month of July, 1715, with his brother, his two kinsmen, and three servants, a circumstance attended with great expense and with not less anxiety and uneasiness. In the meantime, about the 15th July, 1715, the Court of London received intelligence from the Earl of Stair, their Ambassador to the Court of France, that the Pretender was upon the point of invading the three Kingdoms, with the French fleet which had been employed for the reduction of Majorca. This alarm roused the diligence of Lord Lovat's friends. They applied to the English Ministers, and having obtained from them a promise that they would exert themselves in the affair of Lord Lovat, Lord Islay entreated Lord Sutherland and Brigadier General Grant to present to the King the two addresses he had brought from Scotland. They were presented on Sunday the 24th of July. The Earl of Orkney, who was the Lord-in-waiting, held out his hand to receive them from the

King according to custom. The King, however, drew them back, folded them up, and, as if he had been pre-advised of their contents, put them into his pocket."*

The preceding narrative, Lord Lovat's own, corresponds in the main, as far as it goes, with Major Fraser's account, the substance of which we shall now proceed to give. He says that, next morning after their arrival in London, Lovat sent him privately to inform the Earl of Islay that he had arrived in the Metropolis, and desiring to know what assistance and favour he would receive from this nobleman and his brother, the Duke of Argyll. The Major was but indifferently received and little encouragement was given him that anything could be done for his chief. On learning this Simon, "who was then down in the mouth" and wished he had not left Saumur, requested the Major to call upon Brigadier General Grant, who received him with open arms, and being told of Islay's attitude Grant asked the Major to return to that Earl and tell him that the Brigadier was prepared to become bail for Lord Lovat with his whole estates and his head to boot. This encouraged Simon. Islay became more favourable, and requested the Major to call upon him the following morning. This done, the Earl told him that he was then drawing up a memorial "to be sent to the five Northern Counties of Scotland, to be signed by the leading gentlemen of each, which was to be presented to the Ministry, signifying that my Lord Lovat, who was then in exile, that if his Majesty King George would be pleased to give him his pardon, in case there was anything ado, that he would be very useful at the head of his clan at home. The document completed, the Major was asked to proceed with it to the Highlands, and although Lord Lovat was unwilling to part with him, he had to go, as the Earl of Islay would not entrust it to any one else, and the redoubted Castle Leathers started on his journey to Scotland on the 11th of December, 1714. On his arrival in the county of Inverness "he and Alexander Fraser of

* *Memoirs of his Life* by himself, pp. 463-468; at which point they abruptly terminate.

Phopachy, who were always, as is well known, faithful friends to their chiefs, travelled the five Northern Counties in the winter storm, and got the subscriptions of every leading man in those countries." And here the Major gives some very interesting information which Simon conceals. The latter would have us believe that everyone to whom the document was presented signed it with the utmost alacrity, but the Major, who personally knew the facts and is more accurate in recording them, says that "when they met with the Jacobites they made them believe that this address was from the Pretender," but that to the friends of King George they "unravelled the story, telling them the whole plot and that the paper was drawn up by my Lord Islay to work out Lord Simon's remission with King George." The Major, who thus astutely induced both sides to sign the memorial, then supplies the reason why the Earl and his friends resolved upon getting the Highland chiefs to subscribe it in Lovat's favour. It was because "my Lord Islay suspected that Lord Lovat at the bottom was a Jacobite and Roman Catholic, and that he feared his truckling; otherwise he and his brother Argyll would have got his remission before he was ten days in London" or it was known to his enemies that he was there. Major Fraser does not tell us by whom or by how many the address in favour of Lord Simon was subscribed, but that information is supplied in the *Culloden Papers* (pp. 336-338) where a full list of the names is given, from which it appears that the document was signed by seventy-eight individuals, including the Earl of Sutherland, Lord Strathnaver, the members of Parliament and Sheriffs of the Northern Counties, as well as by a number of Burgh Magistrates, clergymen, and landed proprietors, all of whom implored, in the words of the document, the Royal clemency, "for one who has now lately, when the greatest dangers did seem to surround us, by the influence he has over a numerous clan, supported with us that cause which in defence of your Majesty's undoubted title to the Crown we have to the utmost of our power endeavoured to maintain," and that they are "so sensible not only of his

power but of his sincere intention to serve the cause, that they are ready to give security for his loyal, faithful, and dutiful behaviour," in whatever sum his Majesty may be graciously pleased to fix.

The Major, who returned to London, accompanied by Simon's brother John, with the completed document, in the month of February, 1715, handed it to the Earl of Islay, and was complimented on the result of his journey, but for various reasons the anxiously looked-for pardon was not forthcoming for more than a year afterwards, the result being that the Major and his chief were forced "to make many a moonlight flitting from one part of London to another." The Duke of Atholl employed the Duke of Montrose, at the time Secretary for Scotland, to search for them, but in spite of this they succeeded in escaping capture until the following June. Upon the 11th of that month, Simon, his brother John, and the Major, were pounced upon at their lodgings in Soho Square, by two baillies and as many constables, with several armed men, who suddenly came into their rooms and requested them to surrender themselves prisoners in the King's name. The Major took to his arms and asked the intruders if they were there for King George, and having received an answer in the affirmative, he replied that so were all the men in that room. But this was not accepted as sufficient. One of the baillies said that his orders were to take them all prisoners. The Major thereupon resorted to one of his favourite remedies in similar emergencies. He knew that his chief, who lay on the bed within the curtains, "had some paternosters and ave marias" about him in his pockets, and that if a search were made for them "they would bring him timely into Tyburn." He "called for a pint of brandy. desired the gentlemen to sit down and guard the door, and take their dram till such time as the other gentlemen got on their clothes, but immediately the Major got hold of his chief's breeches and took out all his paternosters, and I believe the Virgin Mary among the rest, and had no other way to secure them but to put them into an house of office

near my Lord's bed." This done his Lordship considered himself pretty safe, and they were at once taken prisoners to a sponge house.

While here Lovat sent for John Cuthbert of Castlehill, Inverness, then in London, and by him sent a message to the Earl of Islay that he, his brother John, and Major Fraser had been taken into custody. The reply was that the Major could be set at liberty, but that there was no relief for Simon and his brother, who would be sent to Tyburn. "You may believe," says Castle Leathers, "at that answer my Lord Lovat wished his Major at the devil, who had brought him from France, and sore against his will, as he then declared. It being then near dinner time of day, there was little stomach among them, four sentries being clapped on the door, of whom there were two Frasers of my Lord Lovat's people of the 3rd Regiment of Guards." This seemed to open up a possible means of escape. The Major, though offered his release, would not part with his chief, but resolved to run all risks along with him. They lay together that night and for several nights after, sleeping little, concocting means of escape, and they finally resolved, knowing the night that the Frasers from the Guards were to be again on sentry, to bribe them to make up such a party of the Highland soldiers then in that regiment as would carry Lovat and his friends "off with flying colours." The two clansmen were found quite willing, and secrecy having been sworn, four score of Frasers in the regiment, with their full arms, were "ready to fight their way wherever my Lord desired them." The Rising of 1715 had just then broken out, and the Earl of Sutherland was ordered to Scotland as the King's Lieutenant. Lovat having heard of this wrote the Earl "a very creeping letter" in the following terms:—

"As he had the honour to be a relation to his Lordship, and although at the time he had his misfortunes, and if his Lordship was pleased to countenance him and procure him liberty from the King and Ministry, and become his bail for his good and loyal behaviour; in that case he would be very useful to him at the head of his clan in the North for King George's interest."

In a letter addressed to the same nobleman, dated the 30th of April, 1715, he says—

“Now, my Lord, not only my life but the standing or fall of the name of Fraser is at your Lordship's mercy, and I am convinced that you will be so good as to save the one and the other.”*

On receipt of these letters the Earl of Sutherland called upon all those whom he thought were Lovat's friends, and finding them very keen in his Lordship's interest, several of them, such as Brigadier-General Grant, John Forbes of Culloden, Sir William Gordon of Invergordon, and Sir Robert Munro of Fowlis agreed to join the Earl in a bail bond of £5000 for his future good behaviour and loyalty to King George, in consequence of which his Lordship gave up all idea of escaping by the assistance of his Fraser friends, as had been so recently arranged. The bond was soon signed, and Simon and his companions were set at liberty, but his Lordship's expectations of being immediately pardoned and ordered to Scotland along with the Earl of Sutherland were not realised; for the bond provided that he was to remain in London until the end of the following October, because the Duke of Argyll and his brother the Earl of Islay, still “feared his truckling.” All the King's party started for Scotland, the Earl of Islay being the last to leave. The Major called and urged upon his Lordship the dangers that Lovat, if left behind, would incur, “being obnoxious to the laws, and that certainly the Duke of Atholl, with the family of Hamilton, who no doubt would be in King George's interest, would prosecute his chief when the rebellion was over.” On the other hand, if Simon were allowed to go home and lead his clan in the King's cause, he might be able to appear on equal terms with his enemies.

But the Earl of Islay would not hear of this. He asked the Major to accompany him. But this he declined, pleading that for the last four months he had received several letters from gentlemen of the clan who stood out against the Jacobites and were waiting their chief's home-

* *The Sutherland Book*, vol. ii., p. 207.

coming to lead them in King George's interest against Mackenzie of Frasdale and such of the Frasers as had joined him in support of the Pretender. Islay, however, was obdurate, as "he had always his doubts about his chief, and insisted on the Major's going with him next day." The latter then asked for two hours to consider the situation, called upon Lord Lovat and related to him all that had passed between him and the Earl, whereupon his Lordship replied—"If you leave me I shall leave bail and all and die a Capucine in France." The Major answered by asking, if he could expect him to remain in London and have his family destroyed by the rebels in the interest of a man who would take his valet's word before to-morrow morning against him? Lovat then declared in the most emphatic terms that he never would, but, on the contrary, so long as he was the master of twopence the Major would share it along with him. The latter pleaded that he could not refuse the Earl of Islay, who was so anxious to have him along with him, but if Lovat himself would call upon him and tell him that he would not part with him the matter might be arranged. This was done, with the result that the Major remained, and he and Simon at once set about planning how they should best dispose of themselves in London, having no influential countrymen of their own now to advise with, all of them having left for Scotland.

The Major and his Lordship's brother John now resolved to induce their chief to escape from London as he had done from France, and next morning the former went into Simon's bedroom, and told him that although he agreed not to accompany the Earl of Islay to Scotland, if he, Lord Lovat did not make up his mind to proceed there at once he and his Lordship's brother John had resolved to leave London in two days, determined to live and die together.

Lovat replied—"Major, are you mad? How can I leave this place and go home to Scotland, being obnoxious to the laws, and gentlemen having bailed me, and having no pass, and England in an uproar, and if I should be taken,

as certainly I cannot miss being, I'll be sent back to Newgate"? To which,

The Major answered—"Are you to stay here to be tried for your life? as certainly you will be when you have got no remission, and that the greatest friends you expected to have looked upon you as a Jacobite and Roman Catholic, and will do so until you show yourself otherwise." The Major added that, if his Lordship took his advice he would *cum periculo* venture his way to Scotland and appear there at the head of those of his clan who were waiting for him at home and stood out against Fraserdale, who had led away some of them to fight for the Pretender, all would be well, but if, on the other hand, he did not arrive in the North very soon, they would despair of his coming.

Lovat was so much impressed by the Major's arguments that he asked to be allowed to consider the matter over night, and next morning he told his friend that now his only difficulty was the want of a pass. The Major replied that if he agreed to go as his servant he would procure a pass from Lord Townshend, then Secretary of State, for his Lordship, his brother John, and himself. This Simon at once assented to. The Major, through the influence of friends, secured an interview with Viscount Townshend, and in reply to his Lordship said that he was going to Scotland to fight for King George, that he had his commission from Brigadier-General Grant, before that gentleman left for the North, to command as Major in the Militia in his Majesty's service. Passes were at once granted for the Major, John Fraser, and their two servants, whereupon Castle Leathers returned to Lord Lovat and told him—"Now, my Lord, make ready, for you are my servant, and we shall command time about." This was on a Monday, but they had to remain until the following Wednesday in order to procure horses and make other necessary arrangements for their perilous journey, upon which they started on Wednesday night, and were fortunate enough to find their way as far as Newcastle, without being once challenged, although the North of England was already in arms.

Immediately on taking up their quarters for the night at Newcastle, the Mayor paid their host, Mr Andrew Kennedy, a visit and asked him who these gentlemen were who had come in so fully armed? The Major, who had been sent for, at once presented himself and produced Lord Townshend's pass. This proved satisfactory, and the Mayor advised them not to go by the post road, as it was guarded by Lord Derwentwater and his followers already in arms for the Pretender. They took his advice, and accompanied by their host for eight miles as a guide, arrived at Dumfries in the afternoon and found it in an uproar, the inhabitants expecting every moment the arrival of Lord Kenmure, Carnwath, and the Edinburgh Cavalry.

Lord Lovat was recognised by a gentleman of the Atholl family, who met them in the street, and who promptly went to the Chief Magistrate and told him that "the villain Beaufort" was in town, no doubt on his way to join the rebels. Sentries were at once placed on their lodgings; for when the Major went out to see how their horses had been attended to in the stables, he met men with drawn swords outside the door. He, however, forced his way through them, whereupon they went to the Provost and told him what had occurred. Returning from the stable, the Major told Lovat that he feared the worst, and before he could finish the sentence the Chief Magistrate appeared in person, "with half a dozen of firelocks at his back," and requested them to surrender in the King's name. The Major produced his pass, but the representative of law and order was not satisfied, for, he said, he knew that one of the gentlemen in the room was a rebel. Major Fraser thereupon ordered his companions to their arms, and four cocked muskets were immediately presented to the Provost and his party. Great excitement was at once aroused, but it was ultimately agreed between the parties that one of the Magistrates and the Major should proceed to the seat of the Marquis of Annandale, Lord-Lieutenant of the county, to lay the facts before him, Lord Lovat to wait where he was until they returned. They started next morning, the Major

carrying a letter to the Marquis from Lord Simon, who was a great friend of his. On the way they were told that the Lord-Lieutenant was absent in Edinburgh, but about an hour after getting this information a gentleman came up to them on horseback at full speed. The Major's companion cried out on seeing the new arrival—"John, what's the haste"? to which that individual replied that his master, the Marquis, was coming up behind him pursued by Kenmure and his rebel followers. His Lordship immediately appeared; the Major saluted him, and handed him Lord Lovat's letter, but the pursuit was so close and hot that he could not then wait to look at it. He, however, asked aside, whose it was, when Fraser replied that it was from his friend Lord Lovat, who had been stopped by the Chief Magistrate of Dumfries, although his Lordship had Viscount Townshend's pass and was on his way north to raise his clan for King George. The Marquis turned round to the Bailie who had accompanied the Major and told him that the Provost was a fool and did not know his duty. He then invited them to accompany him to his house, "which is within thirteen miles of Dumfries." On their arrival the gates were closed behind them, and orders were issued to have the place put at once in a state of defence, as he expected the enemy every moment. The Marquis then wrote a letter to Lord Lovat, presenting his compliments and wishing him a good journey, and another to the Provost reprimanding him for his conduct and at the same time requesting him to march out all the troops he had in the town to convey him—the Lord Lieutenant—safely into Dumfries.

The Major and his companion then took leave of the Marquis and arrived in the town about one o'clock in the morning, when the former at once proceeded to the Provost's residence and delivered his commission. The drums were beat, and all the horse and foot available were in a few minutes in readiness in the streets. The Major having conveyed his message to Lovat, who was too ill to join in the march to the Lord Lieutenant's residence, went

back, took up his position amongst the men outside, and was the first to arrive and go in to the Marquis, who thanked him very warmly for his diligence and care, and immediately made ready for the march to Dumfries, where on his arrival Lord Simon at once waited upon him, and "after drinking a bottle of wine together," they parted company.

After several other incidents in Dumfries, in which the Major took a conspicuous part, Lovat and his companions took leave of their friends in that town and arrived the same day at Lanark. Here they met with one Captain Campbell, an officer at the head of a Company of Volunteers, on his way to join the Marquis of Annandale. He called upon them to know who they were, with the result that he had a meeting of the Magistrates convened, and that Lord Lovat and his companions were there and then created free burgesses of the burgh. They remained here for the night, and in the morning proceeded on their way to Stirling, sending on the Major in advance to advise Brigadier-General Grant, who was then on duty there, that Lovat and his friends were coming. The Brigadier was naturally much surprised to see him, and asked him what had become of his chief, from whom he believed him to be inseparable? The Major replied that he believed he was then within ten miles of where they stood, and that he had commissioned him to ask the Brigadier to be good enough to proceed at once to the Duke of Argyll, who was also at the time in Stirling, to tell his Grace that Lord Lovat was on his way North "to make a diversion in that country." Grant, who knew the situation, replied—"Major, you know how far the brothers credit your chief," to which that gentleman answered that he would compel the Duke to believe what he should tell him if only he, the Brigadier, were good enough to introduce him to his Grace. This he at once did and Fraser told the Duke that Lord Lovat was at that moment close at hand, a statement which much surprised that nobleman. He then took the Major aside, and questioned him regarding his chief's real intentions,

and was assured of Lovat's determination to go home at once and head such of his men as had not already joined Fraserdale in the Rebellion. In reply to the further question if he could trust him, the Major said—"My Lord, be in no concern about him, for to my certain knowledge there are three hundred of his name ready to join him when he goes home, and if he offers to join the rebels, I can assure you of his head being sent you to Stirling; and moreover, my Lord, such of his name as have already joined Fraserdale, if we were at home this night, would all desert Fraserdale from Perth," a prediction which was very soon after fully verified.

Argyll had the fullest confidence in the Major's personal integrity, and on the strength of what he told him he requested Brigadier-General Grant to bring Lovat on his arrival, during the night, to see him. This was done and his Lordship fully confirmed what Major Fraser had previously stated to the Duke on his behalf. "Yet I must own," he says, "that his Grace had his doubts about the gentleman, as he has to this day. But, however, he could make no better of it, but encouraged him with great promises, and gave him an hundred guineas at parting to help him North." The next point was how these men were to get to the Highlands, all the roads being at the time in possession of the Chevalier's army. First, the Duke resolved on despatching one of the three men-of-war, then lying in the Forth, and he promised to write the same evening to Lord Provost Campbell of Edinburgh to order one of them to the Moray Firth with Lovat and his friend, and John Forbes of Culloden, who was also then in Stirling and wanted to get home. A message, however, reached his Grace that the Earl of Mar requisitioned all the ships and boats on the Fife side of the firth, with the view of crossing his whole army to the Lothians. Argyll, in these circumstances, could not spare one of his men-of-war, and he sent word to Provost Campbell accordingly.

In the meantime, early in the morning, Lord Lovat and Culloden, along with their friends, started for Edinburgh

by different routes, and on his arrival Lovat took up his quarters for the night in the Grassmarket. But he was not many hours there when, by order of the Lord Justice-Clerk, a Lieutenant at the head of a file of soldiers stepped into his room to take him prisoner. The Major at once proceeded to the residence of the Lord Provost to inform him of what had occurred, and that gentleman immediately sent word to the Lord Justice-Clerk requesting him to set his prisoner at liberty, or "he would soon let him know that he commanded in that city." He was at once released, and Lovat waited upon and paid his respects to the Lord Provost, thinking that he had nothing now to do but step on board the man-of-war, as arranged with Argyll the previous day at Stirling. He was, however, informed otherwise, and the Major was sent on to Leith to procure some other vessel to convey the party North. Here he found a Captain Clark, a native of Portsoy, just ready to start, the wind from the south-west being very favourable. An agreement was arrived at, and twenty-eight firelocks and the necessary quantity of ammunition was put on board by order of the Lord Provost, while sufficient provisions were shipped on the instructions of Lovat and Culloden on their arrival in Leith. Here they met a party of twelve or fourteen Highlanders, returning from England after having sold their cattle there, but who in the disturbed state of the country hesitated to go by road across the Grampians for fear of being robbed. They were mostly Mackays, and as none of that clan joined the Chevalier's army it was considered safe to offer them a passage and take them on board.

The vessel having set sail on a clear moonlight night, with a favourable wind, soon touched the Fife coast, where a boat was observed approaching near, and immediately afterwards a shot was heard, the bullets passing through the ship's sails. The skipper, who was a Jacobite, told the Major that the boat must be one of the Earl of Mar's, cruising to find out whether those on board the ship were friends or enemies, and he suggested that he should slacken sail until the boat should come up to them. This did not

of course suit the passengers, and the Major at once presented his gun to the skipper's breast, and told him instead of slackening speed to hoist all the sails he could, or he would shoot him through the body. A few shots were then exchanged, and in a very short time they left the boat far away and out of sight behind them.

They were soon passing Aberdeen Bay, where the Captain proposed to go ashore, on the plea of having some business to transact in that city. He was, however, ordered to proceed on his journey, which he did until they reached the Bay of Fraserburgh, where "the wind turned a pick-teeth," and they were obliged to drop anchor in front of that town. Here they were in a dangerous neighbourhood, and a consultation took place as to what should be done, Lord Lovat declaring that he would rather go to sea than land at Lord Saltoun's door, for whose father he had erected a gallows not many years before at Fanellan House, in the Aird. Culloden, on the other hand, said that he was so sea-sick that he would rather fight his way and die on land than keep at sea any longer, whereupon the cock-boat was lowered, and Lovat, his brother John, Culloden, and the Major, were sent ashore.

Making for the best inn in the place about ten o'clock at night, they ordered a good fire and a pint of burnt wine. The landlord immediately returned to the room, telling them that Lord Saltoun was below in another apartment wanting to know who the gentlemen were who came ashore from the vessel in the bay. Here was another difficulty, for Lovat said that if Lord Saltoun found out that he was there no power on earth would save him. But the doughty Major once more proved equal to the occasion. He went to Lord Saltoun, who asked him what the ship was, and who were on board? After partaking of a stiff glass of brandy, the Major replied that they were a lot of drovers who had been in England selling their cattle, and that they had prevailed upon the Lord Provost of Edinburgh to send them home in this way, as they had large sums of money in their possession, and could not risk the journey

overland for fear of losing it, and perhaps their own lives, in the then disturbed state of the Highlands. They were Mackenzies, Sutherlands, and Mackays, and he himself was a Macrae! His Lordship expressed himself pleased to meet him, and said that he could give him good tidings of his chief, the Earl of Seaforth, who had marched past there only the day before at the head of thirteen hundred men to join Mar's followers at Perth. The Major, finding his *ruse* succeeding, replied—"I wish, my Lord, I had been at home with some money for him. I am the only one he entrusts with the sale of his cattle. And what would you say, my Lord, to drink to my chief's health and cause? You will, I hope, do me the honour to accept of a bottle of wine from me, to these healths." Saltoun at once accepted the offer, and they drank the healths of all these friends, from the Earl of Mar downwards.

The Major finding Lord Saltoun so easily imposed upon, tried another trick upon him with complete success. He told him that all the poor drovers on board the ship in the bay had to sell their horses in Edinburgh before they sailed, and had now their saddles and money to carry along with them. If his Lordship, as he commanded in the town, would be good enough to call and instruct his officer to provide horses for him and his unfortunate companions as far as Banff, they would be very grateful to him and would willingly pay for them, and his chief (the Major's, now a Macrae) would consider it an extraordinary favour by his Lordship. The officer was immediately called, and ordered to have all the horses in the town ready at whatever hour Mr Macrae might be pleased to call for them, whereupon the Major and Lord Saltoun parted company, wishing each other good night. Fraser returning to his friends, detailed all that took place and requested Lovat and Culloden to sleep in their clothes until he and Saltoun's officer should get all the horses ready, as he knew quite well that it was not safe to remain where they were longer than was absolutely necessary. On going outside to get this matter arranged the Major met Alexander Baillie, Town

Clerk of Fraserburgh, a cousin german of his own and a relation of Culloden. He recapitulated all his experiences since his arrival in the town, and asked his friend's assistance in procuring the horses, which Mr Baillie was not slow in giving, and he very soon had the required sixteen ready to mount and take the road. The party left their arms, ammunition, and provisions on board the vessel under the Town Clerk's charge, "for which he was thereafter ill-used by my Lord Saltoun," when the facts came to his Lordship's knowledge. The interesting calvacade was scarcely out of Fraserburgh when the alarm was raised by the skipper of the vessel, who informed the authorities that the party were the enemies of the cause which Lord Saltoun and his friends had so much at heart, and messengers were at once dispatched to Aberdeen and in other directions all over the surrounding country for the purpose of intercepting and if possible arresting them, but fortunately for them without success.

Lord Lovat and his companions were now a considerable distance away. By daylight they arrived at a road-side inn nine miles distant, on their way to Banff, where they were told that Forbes of Skellator was that very day collecting taxes for the Chevalier. This information induced them to change their course, for that gentleman would recognise them, with what results it was impossible to say. The Major, who had been for three years in his younger days in the service of Fraser of Strichen in that country knew all the by-roads and country paths in the district, and acting on that knowledge they resolved to cross the hills and moors to Rothiemay, where they arrived by 9 o'clock in the evening much fatigued, "at a blind ale house very near Rothiemay's house," the owner of which had joined the Chevalier's army and was absent at Mar's camp. His lady becoming alarmed on hearing that a body of horsemen had turned up at the inn, sent two of her servants to find out who they were and where they came from. The Major, who met them outside, asked them in, ordered a mutchkin of brandy, told them he and his companions had just come from Perth, where Mar was then

encamped, and were on their way to join Sir John MacKenzie of Coul, then commanding the Castle of Inverness for the Pretender. Her Ladyship's messengers returned home "hearty," but they were immediately sent back with an invitation for the whole party to Rothiemay House. The Major sent his compliments, but excused himself and his friends, as they had to be at Inverness at a certain hour, and could not even go to bed that night in order to be at their destination in the time at their disposal. Within an hour two sturdy fellows appeared again, bringing from her Ladyship two dozen bottles of strong ale to refresh the party before starting on their long and difficult journey. The Major, not to be done in hospitality, ordered a bottle of brandy, "resolved to make these lads lie all night in their scabbards," which he did most effectually, and at the same time gave them a Crown of drink-money for themselves. In the meantime he made Lord Lovat and Culloden lay down in their clothes on some straw to rest themselves, while he was "to sit up with the landlord to give him a hearty bottle to the health of all the gentlemen" at Perth in Mar's camp.

About one o'clock in the morning, he had his party all ready on horseback, and being well acquainted with the district he had them before daylight near Balvenny Castle, fifteen miles distant, where Colonel William Grant was at the time stationed with a party of his Highland Company in garrison. They now considered themselves fairly safe among the Grants of Strathspey, and that night they arrived at Ballindalloch Castle, where they were very kindly received and hospitably entertained until early next morning, when they started on their journey.

Early the same evening they came to Kilravock Castle, where Hugh Rose, then head of the family, was very glad to see and heartily welcome them. The night was very boisterous, and Lord Lovat, "being always very tender of his carcase," resolved to stay there until the following day. But Culloden was determined to reach his own house that night, and insisted upon the Major accompanying him. In

the course of conversation Kilravock informed Lord Lovat that three hundred of his men had refused to join Fraserdale in support of the Chevalier and that they were waiting for him in Stratherrick, daily expecting his arrival. Fraser, on hearing this news, was delighted, for it confirmed his statement and would enable him to implement his promise to the Duke of Argyll at Stirling, and Lovat himself was so pleased that he told the Major not to sleep until he saw and marched these men from Stratherrick to meet him at Culloden House.

Forbes and Fraser having been well refreshed and rested, started for Culloden House, which they reached about eight o'clock on the 5th of November, 1715. There Duncan Forbes, afterwards Lord President of the Court of Session, had a strong garrison. The new arrivals were naturally well received. The Major informed Duncan Forbes of his chief's commands that he would that same night be in Stratherrick in order to march the men there assembled down next morning to meet Lovat in person, and nothing would stop him, although the future Lord President called him a fool, and told him that he would starve on the way, for "a wilder night never blew." Fraser, starting on his wild journey over the hills, "with the contents of a good bottle of wine in his skin, he made out that twenty miles of rugged country by daylight," arriving cold and hungry, but having partaken of refreshments, including "a dram of good aquitæ," and finding his friends resolute in the cause of King George and their chief, he soon recovered himself.

The first question asked of him on his arrival in Stratherrick was, upon what terms Lord Simon had been permitted to return? The Major pretended to tell the whole truth, but he honestly confesses that "he did not, but dissembled with them all. For had he told that my Lord Lovat had not got his pardon, but had run off from England as he had done from France, not one man of them would have joined." So he informed them that his Lordship had received a remission of all his former crimes, and that he had the promise of his estates upon his proper

behaviour, if Fraserdale joined the other side, as he had done, whereupon "quart stoups of whisky went round to the King's health who had given their chief his peace" and his liberty. They then marched next day, the Major at their head, to Culloden House, where Forbes had 200 men, who had been joined by 300 more under Hugh Rose of Kilravock, making in all, including the Frasers, a body of 1300 men. They were at once marched in the direction of Inverness, and word was sent to the Governor, Sir John Mackenzie of Coul, to come out and give them battle, but this he declined, "not shapen to be a warrior," though according to Major Fraser, "a very honest man" in all other respects.

On Monday following they called a council of war to decide upon the best means of taking the town of Inverness out of the hands of the Chevalier's friends, and it was resolved that Culloden and Kilravock should order the Grants to advance on Thursday in a body to the south side of the town, while Lovat should in the meantime cross the Ness near the sea, proceed to the Aird, and convene all the Frasers on that part of his estates who had not joined Fraserdale in the interest of the Stuarts. His Lordship started on his journey, but on reaching the river, where he was to cross to the north of Inverness, he was told that Coll Macdonald of Keppoch had arrived in the vicinity with 300 men to reinforce the Governor, Sir John Mackenzie, who had sent an express messenger for him some days before. Lord Lovat and the friends who had accompanied him took counsel together, and decided upon sending the Rev. Thomas Fraser, minister of Stratherrick, who, "by the bye, was as good a soldier as a minister," to inform Keppoch that Lovat was there before him with a number of men equal to his, and that if he came on to Inverness he might expect a warm reception. Coll was not very particular what side he took as long as there were good opportunities for plunder, so, upon receiving Lord Simon's message, he returned home at the head of his men, by Glenurquhart, carrying away a great booty from that district then, as now, the property of the Grants of Grant,

Another council was resolved upon by his Lordship, but the Major taking him aside strongly advised him to march at once with the men he already had to the north side of Inverness, for, he urged, if it should become known that he had not received his pardon, his men would desert. Therefore, he argued, it was necessary to move at once, so that the Government and his friend the Duke of Argyll, to whom both of them had made so many promises, might discover that Lovat was the first man who appeared in the field in King George's interest. He recommended at the same time that a messenger should be immediately despatched to Culloden and Kilravock, requesting that they and the Grants should simultaneously attack Inverness on the south side, and that an express should be sent to Mar's camp at Perth directing all the Frasers there under Mackenzie of Fraserdale to return to the North at once, failing which all that they possessed at home would be destroyed by their chief and his loyal clansmen without scruple or compunction. The special messenger to Perth was promptly despatched, and he arrived at Mar's camp two nights before the battle of Sheriff-Muir, with the result that on receiving Lovat's message the 300 Frasers who had followed Fraserdale at once deserted him and returned home to their own country and chief.

In the meantime his Lordship took counsel with the gentlemen and friends who had already joined him, and he strongly recommended the advisability of attacking Inverness at once, which, he urged, would be much in his favour at Court, for the Earl of Sutherland, who had command of the five Northern counties, had been beaten back at Alness by the Mackenzies and the Macdonalds, and he would thus have the credit of striking the first blow for the Government in the wide district of which Inverness formed the centre. It would, he said, be considered a very bold action on their part, considering they were only 300 strong altogether, while the Governor had an equal number in the town, besides the townspeople, most of whom were Jacobites. The result of this reasoning was absolute unanimity in

favour of an immediate attack, and the Major received orders to "blow up the pipes" and march.

Proceeding in the direction of Muirtown he was told by a countryman that in an adjoining park, there was a large number of cows belonging to Sir John Mackenzie, which he kept there as provision for himself and his garrison. On receiving this information Major Fraser sent off twenty-four men to bring them in, which order they very soon complied with, bringing in no fewer than twenty-eight cows, "as good beef as was in Britain," and the Major and his men had eight of them that night for supper.

The Governor, on learning what had occurred, sent Provost Fraser and Bailie David Fraser to find out why his cows had been taken, when they were requested to inform Sir John that had they not been members of the Major's clan they would have been stripped and sent back to him naked, a message from which the Stuart commander quite understood that the Frasers were now resolutely against him and his master. On the third day after, Culloden and Kilravock, with their followers, took up a position on the opposite—the south—side of Inverness, and the Governor on learning this removed to the Tolbooth, a strong building in the centre of the town. Here he was followed by Arthur Rose, a brother of Kilravock, with a small party, who, rashly attempting to force his way in, was jammed in the doorway and shot dead in that position by one of Sir John's men. Orders were in consequence at once issued to attack the town on all sides and to take the Governor dead or alive. But being a relative—a son-in-law—of Hugh Rose of Kilravock, Sir John placed himself at that gentleman's mercy, swearing that he was sincerely grieved for what had occurred in the death of his son, and pleading with the father to prevail upon the other leaders of the King's army to allow him and his men away and that they would willingly surrender the town to them without further opposition. On these conditions terms were made by which Sir John and his men immediately escaped by boats from the pier of Inverness across the firth, leaving all their

baggage behind them in the hurry to get away, and to avoid coming in contact with the Frasers, who were still encamped in the vicinity of Muirtown; and so the siege of Inverness came to an end without the opposing forces ever coming to close quarters. This is the unvarnished account of the proceedings given by Major Fraser. It is fully corroborated by the Kilravock Papers, from which we take the following version—"Arthur Rose, brother to Kilravock, a gentleman of a resolute and daring spirit, proposed to seize the garrison in the Tolbooth of the town by stratagem. For this end he chose a small party (numbering twelve) of his brother's men, commanded by Robert Rose, son of Blackhills, and on the night of the 12th of November, 1715, proceeded so far as to enter into the vestibule, on the top of the lower stair. Here a fellow whom he had for his guide, and who being well known to the men in the garrison, promised to get the door opened, called to them to open. They opened the door, and the villain entering, and Arthur Rose close after him with a drawn sword and pistol, he treacherously cried out 'An enemy, an enemy!' Upon this the guard crowded to the door, shot Mr Rose through the body with a pair of balls, and so squeezed and crushed his body betwixt the door and the stone wall that he could not have lived, although he had not received the shot. His own friends carried him off, and he died in a few hours, in the house of Mrs Thomson, in Inverness. This fatal end of a brave and beloved brother provoked Kilravock so much that he sent a message to the Magistrates of the town and to Sir John Mackenzie, requiring them to surrender the town and Castle and to evacuate both of the garrisons kept in them, otherwise he would lay the whole town in ashes. The Magistrates and Governor, knowing Kilravock's resolute spirit, and fearing his resentment, brought all the boats he could up to the bridge, and, under the covert of night (November 13th), the Mackenzies evacuated the town and Castle, and silently passed over to the Ross-shire side. Then Kilravock entered the town, took possession of the Castle and Tolbooth, and placed a garrison in them, and

was soon after joined by a body of the Frasers, and a battalion from the Grants of Strathspey. Thus was the recovery of that town (which is the key to the Highlands) out of the hands of the enemies of the Government wholly owing to Kilravock, although others (Lord Simon and his friends) in a pamphlet soon after assumed the praise of it.* Yet another account says that on the 3rd of November "Kilravock and Culloden 'wrote to the Magistrates of Inverness requesting them to urge upon Sir John the necessity of evacuating the garrison.' They replied on the same day that they were powerless and without any authority. Sir John, the same afternoon, sent messages to Coll Macdonald of Keppoch and the Mackintoshes to come to his assistance. On the 5th Lovat appeared at Inverness with 120 Frasers, immediately marched out to reconnoitre, and being joined on the 7th by Kilravock, Culloden, and others to the number of 500 men and 30 horse, he proceeded to attack Keppoch, who retired to the hills. The party then advanced into the Mackintosh country; but as the Mackintoshes declared that they had only risen to protect their lands from Keppoch, Lovat and his companions returned to Inverness, the Frasers taking up a position to the west of the river. Kilravock then wrote Sir John Mackenzie to render the place immediately. Sir John replied that he would give a definite answer in a few days. On the 10th a tragic incident occurred. Arthur Rose, brother of Kilravock, and Robert Rose of Blackhills, who were in command of the Baron's vassals, at the head of a party of ten men, determined to seize the place. They surprised one of the lieutenants on sentry, and Arthur Rose seizing him by the throat, presented a pistol to his breast, commanding him to go to the door of the garrison and cry 'Open.' This was done, but when Rose had partially entered there was a cry of 'The enemy! the enemy!' and the door being closed with violence, his body was crushed and riddled with bullets. Sir John im-

* *Genealogical Deduction of the Family of Rose of Kilravock*, p. 381. Lachlan Shaw in his *Province of Moray* gives an almost identically similar account. See vol. iii., new edition, p. 131.

mediately wrote to Kilravock a letter of condolence, and enclosed passports to enable him and his friends to attend the funeral in Inverness. But Kilravock was so furious that he did not avail himself of this permission. His son, however, accompanied by Sir Archibald Campbell, Forbes of Culloden, Robert Rose of Blackhills, and others, attended the burial of Arthur Rose, at which Sir John and his officers were also present. Sir Archibald seized the opportunity to impress upon Sir John the desirability of rendering the town, for otherwise Kilravock was determined to reduce it to ashes. Sir John then wrote to Kilravock imploring 'him to take no further proceedings since he was willing to surrender on terms to be adjusted between them.' They met on the 11th at a small burn to the east of Inverness, when the Governor undertook to deliver up the place provided Kilravock would let him pass with his men to Perth. This was sternly refused, but after consulting Duncan Forbes of Culloden, Kilravock agreed to let Mackenzie return to Ross-shire in safety. Having subscribed this agreement, Mackenzie formally delivered up the town to Kilravock and Culloden, and 'in the forenoon of the 12th, marched out with his men with pipes playing and banners flying.' Such is the true account of the capture of Inverness.*

In *The Sutherland Book*, by Sir William Fraser, K.C.B., LL.D., an account of the seizure of Inverness is given in a letter addressed to a friend, dated the 30th of January, 1716, by Thomas Robertson, in which, after describing the preliminaries already known, he says, that "as they (the attacking party) came to the shore they found two of Sir John's sentries, who fired at them. One of the sentries got off, and the other Arthur Rose apprehended, and after he had got him he told him he would spare his life providing he would lead him a safe way out of view of the steeple to the guard-house door (which was kept in the Tolbooth), which accordingly the fellow did, all along the water side, and when he came to the Tolbooth door he knocked at it, and the sentry, calling who was there, he answered 'A

* A recent writer quoting original documents in the *Inverness Courier*,

friend,' the fellows, who knew it was their comrade that was on sentry, opened the door to let him in. Arthur Rose and some of his men that were at his back, were ready to jump in too; but the fellow, getting in before him, cried out 'The enemy,' so that the whole guard got to the door. But Arthur Rose, pushing up the door upon them, got himself half in, but they pressed him so betwixt the doors that he could not get in, and in that pickle, in order to disengage himself, he fired both his pistols upon the guard. But unfortunately, and before he got further, they shot him in the belly, of which he died in a few hours, which discouraged his people so that they would make no further attack that night."

Compare all this with the exaggerated description supplied by Lord Simon himself twenty years afterwards in a long letter addressed to the Earl of Islay, dated at Beaufort, the 27th of May, 1737, in which His Lordship says—

"Being informed that Colonel Macdonald, Keppoch, was going into Inverness, to reinforce Sir John Mackenzie, Governor for the Pretender, I marched up to him and chased him. He then sent me a message, that since I was come to my country, that he would not disturb it, but would go straight to Perth, which he did. I then marched down to Inverness, and finding the situation of it, I resolved to do some signal action for the Government, or die on the spot. Accordingly, by my own project, and with a handful of my own kindred, I invested, and in three days, by taking the Governor's provisions, by chasing the parties that were coming to his relief, and a little skirmish that happened, in which Kilravock's brother was killed, and by my continual threats that I would put Sir John and all his rebellious garrison to the edge of the sword, the poor cowardly Governor ran off at night, and his garrison, and left the town at my discretion. I marched in, and took possession of the town the next day, with 800 Grants and 400 Munroes, who came up immediately to concur in the taking of the town from the rebels. Duncan Forbes, who was eye-witness to all this, dares not refuse a syllable of it. This was the greatest piece of service that was done in this country to any King at several ages, for as I took possession of Inverness the Saturday before Sheriff-Muir was fought. If it had been delayed three days, there had been about 2000 of the rebels of my Lord Mar's army in the town of Inverness, so that it would have been impracticable for the King's friends to have attempted the reducing of it. Then the Pretender would have come there, and against the

next spring would have had a greater army than ever appeared for him in Scotland ; and having all the Highlands and Isles behind his back to retire to if he was beat, it would at least have cost several thousand men, and some millions to the Government before he would be chased out of Scotland, so that the taking of Inverness from the rebels, at such a critical juncture, was a service should never be forgot. It would be tedious and perhaps selfish in me to tell the other singular services I did to suppress the Rebellion in the North. However, they were such as procured me three letters of thanks from my great and worthy master, the late King, in which he said he was so satisfied with my singular services, that he would give me such marks of his favour as would put me at my ease and would be an encouragement to his other subjects in this country to be faithful to his service.”*

Simon gives another inflated version in his *Account of the Taking of Inverness*, the substance of which will be found in the *History of the Mackenzies*, second edition, pp. 295-297, where he makes it appear as if he were commanding a great army going through the most extraordinary manœuvres, at Inverness and subsequently. But we prefer the following simple and transparently truthful account by Major James Fraser, fully corroborated, as it is, from official and other sources. The siege, as already said, was brought to an end on the same day on which the battle of Sheriff-Muir was fought, and intimation thereof was made to the Earl of Sutherland, who was then in security at his own Castle of Dunrobin, whereupon he and Sir Robert Munro of Fowlis advanced south with their men, and at the same time wrote to Lord Lovat to send some of his force to meet them, as they were afraid that the Earl of Seaforth, who had returned from Sheriff-Muir with a great following of the clans, would attack them at the head of the Mackenzies and Macdonalds, and Major Fraser was despatched with four hundred men to meet Sutherland and Munro in Ross-shire. On the night of their arrival—the 13th of November—the Earl of Sutherland in revenge for what the Mackenzies had done to him at the beginning of the campaign and for what they and the Macdonalds had plundered from him and his

* *Chiefs of Grant*, by Sir William Fraser, K.C.B., LL.D., vol. ii., pp. 352-358.

friends, encamped with fifteen hundred men near Brahan Castle, the seat of the Earl of Seaforth, and destroyed everything within their reach that they could lay their hands on. A hundred Frasers and a hundred Munros were sent out to bring in provisions, and they soon returned with four hundred cows and two hundred sheep from the neighbouring hills, and having remained there for two nights, they marched away carrying three hundred cows along with them, the others having been feasted upon during their two nights' encampment. The Duke of Gordon and Seaforth then entered into an agreement to attack Inverness from the east. Lovat and his friends thereupon marched out to meet his Grace as far as Elgin, but as he would not cross the Spey to give them battle, after waiting for three days, they returned to Inverness, where the Duke and Seaforth still kept up the pretence of attacking them. As the latter was gathering his men in Ross-shire, the Earl of Sutherland, who now commanded the King's army, including the Frasers, determined to march out and try Seaforth's pulse. They encamped the first night at Beauly, within three miles of Mackenzie's camp, and the Major was ordered to beat in Seaforth's advanced guard the same night, which he succeeded in doing. Next day the whole army marched forward, but the Earl of Sutherland being indisposed remained at Lord Lovat's house, and handed over the command to his Lordship, who, says the Major, "had very little inclination for the work," and he gives the reasons why he knew it to be so; for "he was more attached to the other party, had not necessity obliged him to draw to the King's, and he was not yet sure of obtaining his pardon. However, he went on with the rest of the gentlemen who were at the head of their own men, to wit, Colonel Munro of Fowlis with 200 men, Captain George Grant with 200 men, Major Mackay with 200 men, Culloden with 100 men, Lord Lovat with 1000 and the Earl of Sutherland's 200 men, the rest having deserted upon hearing that they were to fight against the Mackenzies." Major Fraser commanded the right wing, and as they came in sight of Seaforth's

camp, a messenger was sent out by the Earl to Lovat and the gentlemen who were at the head of the advancing force along with him proposing a meeting, which was at once agreed to. Duncan Forbes of Culloden and Lord Simon strongly pressed upon Seaforth that he was playing the fool for himself, for to their certain knowledge, they said, the Duke of Gordon was busy arranging terms of peace with the King, while he was encouraging and misleading the Mackenzie chief to hold out and continue the fight. On making this discovery Seaforth requested King George's friends in command of his opponents, to write to the Court and intercede in his behalf, undertaking that he would at once dismiss his men, which on their agreeing to do so, he immediately carried out, and the Rising of 1715 was practically at an end.

On the 10th of January, 1716, the following bond of friendship, signed by both, is entered into at Inverness, between William Lord Strathnaver and Simon Lord Lovat—

“We, the Right Honourable William, Lord Strathnaver, and Simon, Lord Lovat, do mutually promise upon honour, and by all that is sacred, a perpetual friendship to one another, and that we will espouse one the other's quarrel against any person that will attack either of us (the King and Government always excepted); and we make the same promise for our posterity and successors, that the friendship which is now betwixt us may be preserved to future ages, as witness our seals, at Inverness, the tenth day of January, one thousand seven hundred and sixteen years, before these witnesses, George Cuthbert, Doctor of Medicine, writer hereof, and William Fraser, merchant there.”*

Simon had now established a strong claim on the Government for his pardon and for the restitution of the family estates so far as that could be legally done, and after certain preliminaries had been arranged and formal difficulties overcome a full pardon was duly signed on the 10th of March, 1716. We have not seen the document itself, but Dr Hill Burton says that the person who drew it out “appears to have thought that his employer could not be safe if there

* *The Sutherland Book*, vol. iii., p. 219.

were any of the most hidden cracks or flaws in human nature which it did not cover. It is an astounding and horrible enumeration of all the crimes and abominations to which the human animal is liable ; and as if there might be doubts whether one language would in all cases be sufficiently explicit and definite, the document being itself in Latin, some of the more offensive parts of the criminal nomenclature are translated into English." Immediately after the rebellion had been crushed his friends, the Earl of Sutherland, John Forbes of Culloden, and his brother Duncan, the future Lord President, wrote to the King pointing out the great services Lovat had rendered, and urgently entreating that he should be pardoned for all his former offences, with the result stated.

On the 21st of March, 1716, Lord Simon intimates to the Earl of Sutherland that he had just "taken the Earl of Cromarty and Mackenzie of Inchcoulter prisoners" by Major Wightman's orders, and at the same time expresses the hope that the Earl will use his "endeavour to stop Fraserdale's remission or possession of my forefathers' estate, which would again expose me and my people to ruin." In a postscript to this letter he says, that "my poor brother (John) assures your Lordship of his last respects, for he is dangerously ill with a fever, flux, and stitches, that there is little or no hopes of his recovery. He was a good-natured and brave young fellow, and a zealous servant of your Lordship. His fatigue and drinking this winter and sudden quitting of it has killed him. I wish with my soul that my dear Lord Strathnaver may give over his drinking, in some measure, otherwise he cannot live." Lord Simon then asks for a personal favour, but is, of course, too loyal to press it—"If your Lordship could, without much trouble, save the lives of Hugh Fraser of Buchrubine, who was truly forced out, and Robert Shaw of Tordarroch, a vassal of mine, it would be a lasting obligation on their friends, who are loyal to our Sovereign. But I plead for no rebels further than your Lordship shall think fit and charitable, and for the good of the Government. For I would not

plead to save my brother from hanging if I thought it would be prejudicable to the present Government and happy constitution, for which I am still ready to venture my life."* This would be magnanimous indeed were it only true!

Writing from "Dullmagarry, near the Isle of Moy," on the 3rd of April, Simon, intimating his pardon to William, Lord Strathnaver, in the course of his letter says—

"I congratulate your Lordship on the glorious and great reception the Earl of Sutherland had at London. The Duke of Marlborough, two Secretaries of State, all the Squadron, and many English nobility, came to visit him to his own house, and he is to have great rewards for his services, and what I have done is only to be rewarded according as his Lordship represents my services, which gives me good hopes. I am sure if my dear Lord Strathnaver were with his father, that he would push him to do for Lovat, and I am sure my dear Earl will do for me without any solicitation. I am sure my dear Lord Strathnaver will not be ill pleased that my remission as Lord Lovat is passed the great Seal of Scotland, and Jonathan Thomson carries it this week north. I have likewise received a letter in the King's name and his order from Secretary Stanhope, and another by the Prince's order, from his Secretary, thanking me for my services, and promising me marks of the King's and the Prince's favour."

He was now for the first time for close upon twenty years a free subject. He was almost immediately appointed Governor of Inverness and Commander of an Independent Company. But the return which he made to his friends, especially at this time to the Earl of Sutherland, notwithstanding his protestations of confidence and friendship in the letter just quoted, was characteristic.

He wrote a series of letters to Alexander Fraser, his London solicitor, whose acquaintance we have already made at Dover and in course of the journey from there to the Metropolis on Lovat's return from France, requesting him to take every means of running down the Earl, as having been of no more use than an old wife as the King's lieutenant in the North in suppressing the rebellion, and that everything had been done by Simon himself. Fraser was told to attend the principal London coffee houses for this

* *The Sutherland Book*, vol. ii., pp. 211-212.

ignoble purpose, with the result that when the Earl of Sutherland came up he found himself run down and ill-spoken of everywhere. Having traced the cause to Lovat's solicitor, he at once wrote to his Lordship, who was still in Scotland, informing him of what Alexander Fraser had been saying and doing. Simon immediately replied expressing his great surprise that his friend would think anything of what his own London man of business should say or do, at the same time describing him as "that notorious villain, who lived to his certain knowledge at London on picking pockets and —." On receipt of this extraordinary letter, the Earl sent for Fraser and asked him the reason why he had been running him down and abusing him as he had done, when he replied that he said nothing but what he honestly believed to be true, for Lord Lovat had written telling him that it was he who quelled the rebellion, and he alone ; whereupon the Earl said he was quite sure that his chief would not thank him for what he had done, at the same time producing Simon's letter, which so annoyed and confounded Fraser that he handed Lovat's letters to the Earl, and the opinion which he now formed of the man whom he had so much befriended may be easily guessed. The Earl and Alexander Fraser were at once reconciled, but the latter resented so much the manner in which he had been used that he and Lord Lovat's old valet, whom his Lordship had left behind him in London when he proceeded to the North, went to the Duke of Roxburgh, then Secretary for Scotland, and made affidavits before him in which they swore that Lovat was a pure Jacobite, a Roman Catholic, and a most dangerous man, not to be trusted by any Government. This was communicated by the Duke to the King, and the bad impression made upon his Majesty was such that Duncan Forbes of Culloden, who was then in London, wrote Lord Lovat asking him to come up there at once, otherwise he was undone. His Lordship found it necessary to start immediately, taking the redoubted Major again along with him, and on their arrival they sent for Brigadier Grant's principal attendant, who told Simon that

the General was much concerned about him, and at the same time informed the Major that there were two hundred guineas reward offered him if he would join the other two Frasers in stating what he knew about the religion and principles of his Lordship. Lovat, however, succeeded by the influence of his friends to satisfy the King for the time being.

Another authentic version fully corroborates the Major, and supplies additional particulars of an interesting kind. According to this account, no sooner did Simon arrive in London than stories began to spread against his old friends, all of which were attributed to him, and he boasted so loudly of his own services against the Jacobites that the Earl of Sutherland, Sir William Gordon, Rose of Kilravock, and others insisted upon his retracting these stories. They requested him to sign a deed for the purpose of publication, but he declared that the rumours and stories of which they complained were absolutely false and without foundation, but this did not satisfy the Earl. He sent Gordon of Ardoch to meet him at Doctor Wellwood's to remonstrate with him for not signing the deed. Lovat was so indignant at his word not being accepted that he threatened to cut Sir William Gordon's throat on the first opportunity, as he believed it was he who insisted upon retraction by deed. Next day Sir William met his Lordship at the Smyrna Coffee House, and informed him that he came purposely to afford him an opportunity to make good his threat. Lovat said that he had no recollection of using the words attributed to him, and supposed that if he did that "he must have done so in his cups," but he was quite ready to afford satisfaction to any gentleman, and would with great pleasure place himself at Sir William's service. A meeting was arranged for the following morning, and Lovat requested Doctor Wellwood to act as his second. The Doctor refused. Lovat then wrote to Kilravock, who was in London at the time, begging him, on account of the ancient friendship between their families, to stand by him. Kilravock reluctantly consented, and met Gordon of Ardoch, who was Sir William's second. Lovat declined to go any-

where but Marylebone-fields, and the party left Piccadilly about 6 A.M. Immediately they had taken their places, a man with a loaded gun hurried in between them, and swore that he would shoot the first who drew a sword. Ardoch and Kilravock in vain tried to get rid of this interloper, and while expostulating with him, James and Alexander Fraser, accompanied by four horsemen, appeared on the scene. Sir William, as he would not be allowed to fight, called Lovat a lying knave and arrant coward ; and his Lordship, furious at the insult, attempted to draw his sword, but dropped it when he saw the man with the loaded gun taking aim at his breast. The affair created much ill-feeling, and widened the breach between Lovat and his Whig friends. We shall later on see how he showed his gratitude to Culloden, to the Major, to Phopachy and others to whom he owed his liberty and his life.*

On the 23rd of June, 1716, he is found writing to Duncan Forbes a letter in which he tells him that he had a private audience of the King that day. He was now most anxious to obtain the life-rent escheat of his foe, Alexander Mackenzie of Fraserdale, who had joined the Chevalier in the recent Rising. A few days after this audience with his Majesty, he writes again to his friend, Duncan Forbes, a letter in which, after a flattering torrent of the "two brothers" of Argyll, which he knew would reach them through this source, he says, "I want but a gift of the escheat to make me easy," and on the 23rd of August, 1716, he is put in possession by Royal warrant of "all goods, gear, debts, and sums of money, jewels, gold, silver, coined and uncoined, utensils, domiciles, horse, nolt, sheep, corns, bonds, obligations, contracts, decrees, sentences, compro-mitts, and all other goods, gear, escheatable whatsoever, as well not named as named, which pertained of before to Alexander Mackenzie of Fraserdale," and in addition his Lordship was invested with the said Alexander's life-rent of all "lands, heritages, tenements, annual rents, tacks, steadings, roomes, possessions, and others whatsoever, pertaining

* *The Sutherland Book*, vol. ii., pp. 216-218.

and belonging to him, with the whole mails, ferms, kaines, customs, casualties, profits, and duties of the same." But this did not satisfy him. He had his eye on the lands of Glengarry and Chisholm, both of whom were "out" in the 'Fifteen, and he urges upon his "dear General" that he should start for London "to serve his Grace and do something for your poor old Corporal; and if you suffer Glengarry or The Chisholm to be pardoned, I will never carry a musket any more under your command, though I should be obliged to go to Afric."

One great drawback of the gifts now made to him was that the estate could only belong to him so long as Fraserdale lived, when it would revert to his son, who was not affected by the father's escheat, and Lovat was thus placed in the disagreeable position of wishing long life to his bitterest enemy. He does not at first appear to have been aware of this limitation to his new possession, and as a matter of fact he was found liable by the Court of Session in 1722, to "aliment" Fraserdale's son in terms of an old rule of the law of Scotland which made it imperative that a person having a life-rent use of an estate was bound to support the heir. In the meantime he pleads hard with Duncan Forbes to secure him a better tenure, otherwise, he must either keep violent possession, which will return him his old misfortunes, or he must abandon the Kingdom and a young lady whom his friends had engaged him to marry. "So, my dear General," he continues, "I beg you may give me some prospect of not being forced to leave the Kingdom, or to fight against the King's forces. The one or the other must be, if I do not find any legal pretence of possessing the estate but by this gift, which I now reckon as nothing." And in order to secure the sure tenure which he desired, he entered on a series of lawsuits against Fraserdale and his heir which lasted for many years, and were only then brought to a close in his favour by a large payment of money, which he says in his famous letter to Lord Islay, dated, Beaufort, the 27th of May, 1737, amounted to more than thirty years' purchase,

One of the actions raised by him was against Alexander Mackenzie of Fraserdale's heir, who under the existing conditions would succeed to the estates on his father's death, for, although forfeited himself, the result of that forfeiture would not descend to his son. Another action on which he entered was to assert his claims to the ancient peerage title and honours of the family. In these two he was the pursuer, but in several others he was placed on the defensive, in one case in opposition to the enforcement of a large number of claims by persons who held securities over the estates against the forfeited Fraserdale and now tried to assert them against Simon, and in another he was resisting payment of the Struy and Phopachy bonds to which reference has been already made. His contest with the creditors was prolonged, but it was of the three leading actions the first decided. In 1718 the Court of Session declared in favour of the creditors, but his Lordship appealed to the House of Lords and there secured a decision in his favour. This was his first great triumph. While in London attending to this appeal he was taken ill of a severe fever and thought he was dying, when he dictated the following letter—

"To the Honourable, the gentlemen of the name of Fraser—
My Dear Friends,—Since by all appearances, this is the last time of my life I shall have occasion to write to you, I being now very ill of a dangerous fever; I do declare to you before God, before whom I must appear, and all of us at the great day of judgment, that I loved you all; I mean you and all the rest of my kindred and family who are for the standing of their chief and name; and as I loved you, so I loved all my faithful commons in general, more than I did my own life, or health, or comfort, or satisfaction, and God, to whom I must answer, knows that my greatest desire, and the greatest happiness I proposed to myself under heaven, was to make you all live happy, and make my poor commons flourish; and that it was my constant principle to think myself much happier with a hundred pounds, and see you all live well at your ease about me, than have ten thousand pounds a year, and see you in want and misery. I did faithfully design and resolve to make up and put at their ease, Alexander Fraser of Phopachy, and James Fraser of Castle Ladders, and their families, and whatever disputes might ever be betwixt them and me, which our mutual hot temper occasioned, joined with the malice and calumny of

both our enemies, I take God to witness, I loved those two brave men as I did my own life, for their great zeal and fidelity they showed for their chief and kindred. I did likewise resolve to support the families of Struy, Foyers, and Culduthel's families ; and to the lasting praise of Culduthel and his family, I never knew himself to swerve from his faithful zeal for his chief and kindred, nor none of his family ; for which I hope God will bless him and them, and their posterity. I did likewise design to make my poor commons live at their ease and have them always well clothed, and well armed after the Highland manner, and not to suffer them to wear low country clothes, but make them live like their forefathers, with the use of their arms, that they might always be in condition to defend themselves against their enemies, and to do service to their friends, especially to the great Duke of Argyll, and to his worthy brother, the Earl of Islay, and to that glorious and noble family, who were always our constant and faithful friends, and I conjure you and all honest Frasers, to be zealous and faithful friends and servants to the family of Argyll and their friends, whilst a Campbell and a Fraser subsists. If it be God's will that for the punishment of my great and many sins, and the sins of my kindred, I should now depart this life before I put these just and good resolutions in execution, yet I hope that God in his mercy will inspire you and all honest Frasers, to stand by and be faithful to my cousin Inverallochy, and the other heirs male of my family, and to venture your lives and fortunes to put him or my nearest heirs male, named in my testament, written by John Jacks, in the full possession of the estate and honours of my forefathers, which is the only way to preserve you from the wicked designs of the family of Tarbat and Glengarry, joined to the family of Athol, and you may depend upon it, and you and your posterity will see to it and find it, that if you do not keep steadfast to your chief, I mean the heir male of my family ; but weakly or falsely for little private interest and views, abandon your duty to your name and suffer a pretended heiress and her Mackenzie children to possess your country and the true right of the heirs male, they will certainly in less than an age chase you all by slight and might, as well gentlemen as commons, out of your native country, which will be possessed by the Mackenzies and the Macdonalds ; and you will be like the miserable and unnatural Jews, scattered and vagabonds throughout the unhappy kingdom of Scotland, and the poor wives and children that remain of the name, without a head or protection, when they are told the traditions of their family, will be cursing from their hearts the persons and memory of those unnatural, cowardly, knavish men, who sold and abandoned their chief, their name, their birthright, and their country for a false and foolish present gain, even as the most of Scots people curse this day those who sold them and their

country to the English by the fatal union which I hope will not last long.

“I make my earnest and dying prayers to God Almighty, that he may in his mercy, through the merits of Christ Jesus, save you and all my poor people, whom I always found honest and zealous to me and their duty, from that blindness of heart that will inevitably bring those ruins and disgraces upon you and your posterity ; and I pray the Almighty and merciful God, who has often miraculously saved my family and name from utter ruin, may give you the spirit of courage and zeal, and of fidelity that you owe to your chief, to your name, to yourselves, to your children, and to your country ; and may the most merciful and adorable Trinity, Father, Son, and Holy Spirit, three persons, one God, save all your souls, eternally, through the blood of Christ Jesus, our blessed Lord Saviour, to whom I heartily recommend you.

“I desire that this letter may be kept in a box, at Beaufort or Moniack, and read once a year by the heir male, or a principal gentleman of the name, to all honest Frasers that will continue faithful to the duty I have enjoined in this above-written letter, to whom, with you and all honest Frasers and my other friends, I leave my tender and affectionate blessing and bid my kind and last farewell.

LOVAT.

“London, the 5th of April, 1718.

“Not being able to write myself, I did dictate the above letter to the little French boy that's my servant. It contains the most sincere sentiments of my heart, and if it touch my kindred in reading of it as it did me while I dictate it, I am sure it will have a good effect, which are my earnest prayers to God.”*

His claim to the title dragged along until 1730, when the Court of Session incompetently decided that as heir-male he was entitled to it. He however, ultimately succeeded in getting fully established in the titles and honours of the family, as shall be shown hereafter in greater detail. In the meantime we shall follow his career chronologically as near as possible.

Lord Simon did not continue his zeal for the Government very long. In 1719 he was again busy at his old intrigues. When the Spanish invasion, which so completely collapsed that year at Glenshiel, was preparing, Lovat wrote to the Earl of Seaforth desiring him to come down with his

* Printed in the Appendix, vol. iii., *Memoirs of the Jacobites of 1715 and 1745*, by Mrs Thomson.

men ; and that he, Lord Lovat, "would join him with all his, in favour of the Pretender." This was sworn to by Robert Chevis of Muirtown, at his Lordship's trial in 1747. Chevis declared on oath that Lovat himself told him that he showed this letter to Chisholm of Knockford, before he sent it by his Lieutenant to the Earl of Seaforth, and that Chisholm at once made an affidavit regarding it and its contents, which he forwarded to the Government. This Simon himself told him, as also that in consequence he, Lovat, went immediately to Court, and got himself introduced there, and Lady Seaforth being then in London, she applied to him to do something in favour of her son. This he absolutely refused, until Seaforth should return him that epistle, "which being done he showed it to a certain friend, who read the letter, and who told him (Lovat), that there was enough in it to condemn thirty Lords, and threw it in the fire."* But the old fox was not to be so easily done. While he thus proceeded to London in person to deny the truth of this serious and undoubtedly true charge, he instructed his clan to rise in favour of the King and to oppose Seaforth and his allies. There could be no better proof of the alleged baselessness of Chisholm's story of his loyalty to the Government than this, and it proved successful. As a matter of fact, the *Scots Courant* of 18th May, 1719, says that "the gentlemen of the name of Fraser, with their followers, who are well affected towards the Government, have taken possession of the Castle of Brahan, the Earl of Seaforth's", while its owner was absent fighting for the Chevalier at Glenshiel. Some of the Frasers must have gone to the West Coast, for another newspaper account says, a few days after, that "the body of Monroes and Frasers, as also the Sutherland men, who were with the King's troops in the action, behaved themselves very valiantly, and did considerable service on the occasion." It is not therefore surprising that, in order to show his appreciation of Simon's loyalty and his entire disbelief in what had been charged

* *Lord Lovat's Trial*, pp. 35-36.

against him, "His Majesty has done the Lord Lovat the honour to be god-father to his child ; and has appointed Colonel William Grant of Ballindalloch to be his proxy. The ceremony is to be performed at his Lordship's seat in Scotland, for which place he set out on Monday last together with Colonel Robert Monro, jun., of Fowlis."*

On the decision of the Court of Session in 1718, afterwards reversed by the House of Lords, being given in favour of the creditors, they appointed a factor to collect the rents on their behalf who soon found that he was not a *persona grata* among the people, for on the 30th of December, 1719, his barns and granaries were set fire to and burnt down, but whether with Simon's connivance, though charged with it, has not been proved. The result, however, was that a party of military was sent to the district to keep order. Lady Lovat, in the absence of her Lord, fearing that the soldiers and her people might come into conflict, sent a proclamation, dated the 9th of July, 1720, to the Rev. Thomas Chisholm, minister of Kilmorack, to be read after service in Church, in which she desires "and orders all my Lord Lovat's kinsmen and followers not to be imposed upon in that affair, but to use all discretion and civility towards the said party, as believing they would rather, if required, assist my Lord Lovat in the support of his said gifts" from the King, which by this date "is confirmed by the highest Court in Great Britain," meaning no doubt the House of Lords.

At the same time Lord Simon was defending a suit raised against him by Alexander Fraser of Phopachy, who acted as his agent during his Lordship's absence on the Continent and made various journeys to him in France with money collected from the tenants. That gentleman, soon after Lovat's return to Scotland, demanded payment of a sum of £683 18s 8d due to him on these transactions, and his Lordship having disputed the account the claim was submitted to arbitration, John Cuthbert of Castlehill, and Hugh Fraser acting for Lord Lovat, and Alexander Fraser

of Culduthel and John Jackson, Commissary for Inverness, representing Phopachy. In 1719 they unanimously decided against his Lordship, and a bond was granted by him. But Fraser foolishly allowed his chief to get further in his debt. A second submission to arbiters was proposed, but Lord Simon would not consent to it unless the old claim already decided was also submitted. This was ultimately agreed to, the arbiters on this occasion being John Cuthbert of Castlehill, for Lord Lovat, and Robert Chevis of Muirtown, for Phopachy, with Munro of Fowlis as oversman, to whom the others left the final decision. This was given on the 22nd of April, 1724, in favour of Phopachy for the full amount of his claim. Lovat again refused to pay and raised an action to upset the decision of the arbiters, on technical grounds, and this was continued with Phopachy's children for at least twelve years; for the proceedings are found still pending and unsettled as late as the year 1736.

Soon after the decision in Phopachy's favour in 1724, his house was attacked by a party of Lovat's vassals. Provost Hossack, of Inverness, writing to Duncan Forbes of Culloden on the 12th of February, 1725, says—

"Last night five or six men armed attacked Phopachy's house, went directly to the place where he used to be, and when they missed of him threatened his children and servants to discovery, told they wanted his life, and lay the head of one of his daughters on a block that she might discover where her father was and if any money was in the house. Meantime some people in the neighbourhood assembled and two of them (the housebreakers) were apprehended, and are now in prison. One of them, Archibald Campbell, was shot with small greath by a servant of Phopachy in the face. Probably these two may be the means of discovering the accomplices in other matters."*

This is corroborated by Major Fraser, who in detailing certain instances of Lovat's ingratitude to his old friends refers specially to

"Alexander Fraser of Phopachy, who was the only man, joined with Major Fraser, that drew the plan of bringing him from his exile. And I must own, since my design in this account is to give every one

* The original letter is at Culloden House.

their due, that had it not been the contrivance of this Phopachy, this Lord Lovat had never smelled his country, let be his estate. So all that this poor Phopachy got for his labour was to cause make an attack upon his house by a parcel of highwaymen, whom he employed for the purpose. This being in the night time, it happened by the Providence of God, that the poor gentleman and his lady had not been at home. These fellows, having broke up the door, went in with drawn swords, but missing their prey, went in with drawn swords upon the children, and wounded some of the servants. The alarm being then given, the country got to their arms, two of the rogues were seized upon, and brought in to Inverness to be tried for their lives. They being but two of the party, and the ring-leader making his escape, it was found upon examination all they could say was, that they believed they were employed by my Lord Lovat in that affair. My Lord being at the same time in London, wrote home to his friends privately, desiring (them) to save those fellows, and to speak to Phopachy as one of themselves, to cause him not to insist upon a legal prosecution. Phopachy being piqued by the usage his servants and children met with swore revenge. The two fellows, by a fair sentence, were hanged. This being done incensed my Lord Lovat mightily against Phopachy, which occasioned a great rupture betwixt them till this day.”*

Simon himself, writing to his Edinburgh agent, John Macfarlane, W.S., gives a very different but apparently invented version of this attack on Phopachy; for the “full account of it from the Magistrates of Inverness” does not support what he writes to his Law Agent, to whom he says, under date of 6th of May, 1725—

“ I am sure you will be glad to know that the unheard of villainous design of murdering my person and reputation is now, by Providence, fully discovered. I have letters and affidavits from the North which plainly make it appear that the hellish knave, Phopachy, was the contriver of this barbarous plot to ruin me. Culloden has a plain and full account of it from the Magistrates of Inverness. The method he took to perpetrate his wicked design was thus: he employed one Thomas Mackenzie, son to Captain John Mackenzie of Clunes, a debauched, rakish, young fellow who is well acquainted with all the banditti in the Highlands. He engaged Lachlan Donn to him at the Market of Beauly in November last. This Lachlan Donn is a ring-leader in a gang of robbers. Mr Mackenzie brought this famous Captain of banditti to Phopachy three several times, and at last Phopachy agrees to give the Captain fifteen guineas and some small

* *Major Fraser's Manuscript*, vol. ii., pp. 93-95.

reward to his party for his coming to Phopachy house and rifling of it, and for burning a part of his corn in a barn distant from his house, and then declaring that it was I that employed them, and be ready to swear that before any judge. Accordingly they came, as you have heard, and my servants took two of them prisoners. The three that are free are ready to come before any judge and solemnly swear that Phopachy both contrived and employed them to execute this horrid crime. I am assured that if this is judicially proven that it will hang Phopachy ; and I am fully resolved to prosecute him to the utmost. I think I am obliged by the laws of God and nature to do it. This affair, I believe, will hasten our friends being heard ; and I beg you may let all friends know this story.”*

It is highly probable that the real object of the letter was to have it shown to his friends. Bailie John Stewart, of Inverness, writing to Lovat on the 13th of the preceding March, refers to this affair and says—“Your Lordship seems to intimate to me that you had made yourself concerned in it by agreeing to compound it,” a thing he would be exceedingly unlikely to do, if Phopachy and not he or some of his friends was at the bottom of it. Bailie Stewart adds, that “yesterday Archibald Campbell and Donald Mac- kinnon that were making attack on Phopachy’s house received sentence of death and are to be hanged in ten days. I say they received sentence from our Sheriff- Deputes, and a great deal of pains was taken by Phopachy and Castlehill to make great discoveries who were their outhounders (hounders-on) ; but I don’t hear they’ll make much of it. Only I hear Campbell was induced to say publicly in court yesterday before sentence was passed, and I suppose in hopes it had been mitigated, that he heard that fifty men were employed above three months past to dispatch Phopachy, and that Lachlin Donn (a notorious Locharkaig thief, who was likewise wounded at Phopachy’s house), told him that John Fraser, he meant little Strath- errick John, brought letters from London on that head, but did not say from whom, but after sentence of death was passed, Campbell told he knew nothing certain of John Fraser or anybody else in the story ; however you may

* From the Pitfirrane MSS. Appendix V., Major Fraser’s Manuscript, vol. ii., pp. 190-191.

believe that several here were not wanting to make base malicious inuendoes from what this Campbell said, which I will forbear at present." Bailie Stewart, however, does not believe that John Fraser, whom he takes "to be a mighty honest man, had anything to do with the affair, and he says that "any one else that intended through him," meaning Lovat, no doubt, "to be aspersed, may be very easy, for I am positive the malice of some will cast up in a proper light very soon." But Bailie Stewart has a claim of his own to make. He wants his Lordship's salmon in future in preference to William Mackay, who is not to be compared with the Bailie "as to the obligations your Lordship owes" him.

Major Fraser gives us a little more insight into the position and character of this "Little Stratherrick John," who was also said to have had a hand in the houghing of John Cuthbert of Castlehill's cows, after that gentleman had become a party to the decision in the second arbitration between Lord Simon and Phopachy in 1724. The Major says that "My Lord Lovat being at London at the time, and hearing of this discerniture (against him) immediately apprehended that the sum discerned was to be divided betwixt Phopachy and Castlehill (his own arbiter) by a collusive manner; and that they made Muirtown, as a partaker, come into their measures. Immediately my Lord called for one John Fraser, commonly called *English Jack*, who was then an idler about his hand in London, and contrived with him how to be revenged on Castlehill, who passed such a sentence in favour of Phopachy. This Fraser told him that if his Lordship would write Ludovick Cameron, uncle to the Laird of Lochiel, that he would send a party of highwaymen and cut to pieces all the cattle in his parks. This John Fraser having carried my Lord's letter to Ludovick Cameron, then eighteen ruffians were dispatched off to effectuate this bloody design. They having come to the gentleman's parks (they) houghed and cut to pieces forty-eight milch cows. But the fact could never be proved, since none of the actors could be had, but it was very well

known in the neighbourhood how the affair was contrived ; and to this day Ludovick Cameron gets pocket money to hold his peace."* While all this was going on Simon's claim to the Lovat title was still unsettled, and in 1721 it was brought to a test during the election of a Scottish representative peer to the Imperial Parliament.

In that year a proxy was produced for Lord Lovat on the occasion of the election of the Earl of Aberdeen as one of the sixteen Scottish peers entitled to sit in the House of Lords. A protest against his right to vote was lodged by the Earl of Rothes, on the plea that the Fraser peerage was not limited to heirs-male, and was now vested in the person of Amelia, eldest daughter of Hugh, eleventh Baron Lovat, who died without male issue on the 4th of September, 1696, and that the Court of Session had so decided in 1702. Alexander Mackenzie of Fraserdale had been forfeited for his share in the Rising of 1715. The fact would not, however, affect any rights possessed by his wife in her own person. But on her death the title was claimed and openly assumed by her son, Hugh Mackenzie, whereupon Simon raised an action for reducing the decree of 1702, which was granted against him in absence, and therefore liable to be reopened in this form, on the ground that he was not a party to it. Although he had for his leading counsel the famous Charles Erskine, afterwards Lord Tinwald, he does not appear to be satisfied with the manner in which the action was being pushed forward, and though he admittedly had every confidence in his agent, Mr John Macfarlane, W.S., generally, he evidently considered him at times over-scrupulous, and on the 29th of April, 1729, wrote to him the following characteristic letter :—

" Dear Sir,—I had the honour of your fine moral and philosophical letter by this post, and though it is written in a very pathetic smooth way, yet I have read so many good authors on the subject without being able to reduce their advice to practice that an epistle from a Scotch lawyer can have but very little influence on me that now, by a long experience, knows that those fine moral reflections are no more but a play of our intellectuals by which the author caresses

* *Major Fraser's Manuscript*, vol. ii., pp. 97-98.

his own genius by false ideas that can never be put in practice. You may give me as many bonny words as you please, but words will never gain me the estate of Lovat, or my peerage, without assiduously acting that part I ought to get that effectuated ; and though some people charged me with liking some of the Roman Catholic principles, yet I do assure you that I do not expect new miracles in my favour, and that I am fully resolved to use all the ordinary means in my power to save my family. I told you so plainly in my last letter, that I had no satisfactory answer to any of my essential queries, that I will not trouble you with repeating what I have said, only I must tell you that I always observed since I came to know anything in the world that an active man with a small understanding will finish business and succeed better in his affairs than an indolent, lazy man of the brightest sense and of the most solid judgment. So since I cannot flatter myself to have a title to the last character I ought to thank God that I am of a very active temper, and I'll be so far from relenting that I'll double my activity if possible."

It was not, however, long after this when he was so far successful. On the 3rd of July, 1730, the Court of Session reduced the decree of 1702, which was in favour of the lineal heir and "decerned and declared the title, dignity, and honours of Lord Fraser of Lovat to pertain and belong to the said Simon Lord Fraser of Lovat, pursuer, as eldest lawful son of Thomas Lord Fraser of Lovat, his father, who was granduncle to Hugh Lord Fraser of Lovat deceased, father of the said Mrs Amelia Fraser, and grandfather of the said Hugh Mackenzie, defender ; and consequently as heir-male of the family of Lord Fraser of Lovat, to whom the title and dignity does descend." Although this decision was incompetent it left the case exactly where it was before the same court decided in favour of Amelia Fraser, wife of Alexander Mackenzie of Fraserdale, in 1702. But it appears that neither of the parties—not even the judges and counsel—knew that since the Union of the two kingdoms, the House of Lords alone had jurisdiction in cases involving the title and dignity of a peer of the realm. An appeal was, however, rendered unnecessary by a compromise in terms of which Hugh Mackenzie, Fraserdale's heir, gave up to Simon Lord Lovat all claims to the title and the right of succession

to the estates on the death of his father for a valuable consideration which was finally fixed by arbitration. His Lordship had, however, considerable difficulty in getting this settlement brought about and he was simply ferocious at the conditions of the decree arbitral when it was made known to him. A series of letters passed between him and John Forbes of Culloden on the subject, which shows how much he was disappointed with Mackenzie's dilatoriness in coming to terms. On the 5th of January, 1731, Lovat writes to this friend—

“Your brother who has been working all he could for me this winter, has at last come to a final resolution. He offers Fraserdale's family £6000 sterling from me, and £2000 more from himself, if they come into his measures ; upon condition that if they accept that offer in a month's time he will oblige me to adhere to it ; and if they do not accept it, he has declared to them that they will never have it again ; but that he will do all that in him lays to overturn all the rights that ever they had to the estate of Lovat from the foundation. And my Lord-Advocate will find no great difficulty in that, for I have consulted it fully, and am going on with all vigour to put it in full execution.”

On the 10th of April following he writes Culloden in a new style, when apparently thinking that he is nearing his end. He says—

“I am much indisposed since I saw you at your house. Many marks appear that show the tabernacle is failing. The teeth are gone and now the cold has so seized my head that I am almost deaf with a pain in my ears. Those are so many sounds of the trumpet that call me to another world, for which you and I are hardly well prepared. But I have a sort of advantage of you, for if I can but die with a little of my old French belief, I'll get the legions of saints to pray for me ; while you will only get a number of drunken fellows, and the inn-keepers and tapster lasses of Inverness, and Mr Macbean, the holy man.”*

In 1732 he applied for the Sheriffship of Inverness. On the 25th of October in that year he wrote to Sir James Grant of Grant intimating to him that he had made such application to the Earl of Islay, who was inclined to give it him, but first desired to consult Sir James, who it appears had already asked for it for his son Ludovick. Sir James

* *Burton's Lives*, p. 198.

at first demurred, and Lovat on the 2nd of November wrote him in a pet. Matters were, however, ultimately arranged between the brothers-in-law, and it appears from a letter of Lord Simon's dated in February 1733, that the Sheriffship of Inverness-shire was then conferred upon him.*

In 1733 he gained a new point in the contest with Fraserdale; for in February of that year he writes to the same John Forbes of Culloden that his "gaining the decree of the expiration of the legal" makes his enemies begin to think that it is time to agree, "for their counsel had now made approaches to Lovat's solicitor. But Fraserdale and his son are such weak, wavering, and unconstant creatures that I believe nothing can fix them to an agreement but your friend and mine withholding his assistance from them"—that is their own counsel. On the 8th of March in the same year he was able to write to his friend—"Now I can tell you the agreeable news that you longed wished for—a final submission is signed by Fraserdale and his son and me, and put into the hands of Lord Dunn and Lord Grange as arbiters, and they are to determine and decide what sums of money I am to pay to Fraserdale and his family for all the right and pretensions they have or pretend to have had to the honours and estate of Lovat, which they are to give up to me as the arbiters shall determine." The result of this arbitration made him furious, and on the 27th of October, 1737, he wrote to his Edinburgh agent, John Macfarlane, from Beaufort, an extraordinary letter from which we take the following extract:—

"I must tell you, with the same freedom that you speak to me, that I am convinced to a demonstration, that I have been cheated, abused, sold, my papers embezzled, robbed, and given up to my enemies, and in short, treacherously, villainously, and ungratefully betrayed and sold, by one whom you and I entirely trusted and used rather like a brother than a doer, for which treachery I am persuaded God will punish him some day or another, and for my part I will never forgive or forget it; you may be sure I will not suffer it with a close mouth, nor will I ever forgive any that had a hand in that villainous decree arbitral, but will expose them in public and in private as much as I am able, without a premunire upon myself,

* *Chiefs of Grant*, vol. i., pp. 278-279.

for there was never such villainy committed since there was a lawyer or writer in Scotland, which will make me never have such confidence in a lawyer or writer except in you alone, as I have had heretofore, and your trustee and mine was the great traitor, and contriver of all ; I wish I may not feel it in some other part, and that I am not robbed of other papers as well as those that occasioned the villainous decree arbitral, for I know no reason why that greedy gentleman was privately for five or six weeks, without any person with him, searching and rummaging my charter chest in my own house, when I was last at Edinburgh, if it was not to rob me of any paper that might be of benefit to himself, or to his villainous friends ; and as to all the papers that were at your house, they were at his discretion, and God knows what he has done with them, for I think nothing safe that was in his hands, and I think him the most pernicious man that ever I had to do with of his kind ; however, if I suffer in one shape, and though he gained money in betraying of me, his character, for which I believe he has no regard, shall be exposed to mankind and put in its true colours and there I leave him."

Part of the arrangements made by his Lordship to complete his title to the estate was to obtain a bond from Hugh, Fraserdale's heir, for a large amount, charge him to enter as heir in special to his grandfather, Hugh, the eleventh Lord Fraser of Lovat, and thereupon adjudge all rights he might have as the heir of his mother's marriage. At the same time Hugh adjudged, as heir of his father Fraserdale, from the Duke of Atholl, the rights of the estate which were vested in his Grace as trustee for the heirs of the marriage of his daughter, Lady Amelia Murray, with Hugh the last Lord Fraser, who died in 1696. Lovat having then succeeded in an action of declarator of reduction against Charles, fifth Lord Kinnaird, as the heir of his mother, Anne, daughter of Hugh the tenth Lord, who died in 1672, he, on the 26th of July, 1738, expedite a charter of the whole lands, lordship and barony, under the Great Seal in favour of himself, and failing him to Simon his eldest son, Master of Lovat ; Alexander, his second son, and Archibald, his third son, and the heirs-male of their bodies successively, all of whom failing, the succession to fall to his own heirs-male whomsoever.*

* *Anderson's Historical Account of the Family of Fraser*, p. 143.

In 1724 Lovat drew up a memorial at the request of the King on the state of the Highlands, quoted as an authority by Marshall Wade when he visited the north in the following year.*

Phopachy and his Lordship appear to have maintained their quarrel during the remainder of their lives. On the 7th of April, 1729, the latter writes—"As to Phopachy, I believe he is quite mad or really possessed with the devil, for as I came home last night from the King Advocate's house, I got a letter from Castle Ladder (Major Fraser), of which the enclosed is a copy, by which you will see what a situation I am in with the villain" Phopachy, who was preparing a memorial, to be presented to the Government by "a Lord in the South, that is full of all the crimes that ever was invented, and capable to hang all England, if it was proven." According to Lovat, not a word of the charges made against him in this document was true. "I bless God," he indignantly says, "I never was in my life guilty of a base or villainous action, so I do not fear this wicked calumny. But I think much shame that a monster called Fraser should endeavour to give a scandalous impression of me to the world." He, however, poor immaculate innocent! hopes the law will do him justice without his having recourse to commit violence on Phopachy's person for "such a barbarous villainy" as that person was guilty of.

Lovat was on the most intimate terms with the Hon. James Erskine, brother of the Earl of Mar of the 'Forty-five, and one of the judges of the Court of Session by the courtesy title of Lord Grange. When practising at the bar, he was one of Lord Lovat's counsel and prepared for him what he believes to be "one of the best entails" in Scotland. Lady Grange seems to have known too much about the treasonable intrigues of her husband and his friend, having come into possession of a dangerous letter, which after one of her many quarrels with her Lord she was determined to bring under the notice of the Government, and she had

* *Burl's Letters*, vol. ii., 1822 edition, Appendix pp. 254-259, where it is printed at length.

actually taken her seat in a conveyance starting for London for that purpose. She was, however, taken back, and on the 22nd of January, 1732, while living at lodgings separated from and next door to her husband, she was seized and gagged by a band of Highlanders who had obtained access to the house. She declared that they were dressed in Lord Lovat's "livery," that is the Fraser tartan, and that Simon himself had an interview with the principal man in charge of her, near Stirling, to arrange as to her further journey north. When he is charged with having a share in the lady's abduction he neither admits nor denies it, but simply says that "as to the story about my Lady Grange, it is a much less surprise to me, because they said ten times worse of me when that damned woman went from Edinburgh than they can say now; for they said that it was all my contrivance, and that it was my servants that took her away; but I defied them then, as I do now, and do declare to you upon honour, that I do not know what has become of that woman, where she is, or who takes care of her; but if I had contrived, and assisted, and saved my Lord Grange from that devil, who threatened every day to murder him and his children, I would not think shame of it before God or man; and wherever she is, I wish and hope she may never be seen again to torment my worthy friend."* There is now no doubt whatever that Lord Lovat had a leading part in the transaction, and that several well-known members of the clan, including near relatives of his, took a personal part in removing Lady Grange from Edinburgh to the Western Isles, where she ended her days.

Having secured final possession of the family estates, Lord Simon was still hankering after the neighbouring properties of Strathglass and Glengarry. In a letter addressed to his Edinburgh agent on the 27th of October, 1739, already quoted, he says that he has "caused execute the summons of reduction and improbation against the Chisholm, which I beg you cause carry on with vigour." Regarding Glengarry, he says, in another letter to the

* *Genealogy of the Hays of Tweeddale*, p. 109.

same person—"I may as well ask his liver as to ask him to give me Abertarff for money, though they originally and really belong to my family; so that the law must assist me with my money to get me possession of those lands that have been so long and so unjustly kept from my family by the weakness of my predecessors." His principal claims to these neighbouring estates appear to have been established by the purchase of debts due to other people. He failed, after a long legal process to make any headway against the Chisholm, but he ultimately paid off a wadset in virtue of which Abertarff was held by Glengarry, and secured possession of these lands, which still form a part of the Lovat estates.

In 1736 Lovat erected an extraordinary memorial in the Church of Kirkhill, where it can still be seen in good preservation, with the following curious inscription, ostensibly in memory of his father but really to perpetuate his own transcendant virtues!—

TO THE MEMORY OF
THOMAS LORD FRASER OF LOVAT,

Who chose rather to undergo the greatest hardships of fortune than to part with the ancient honours of his house, and bore these hardships with an undaunted fortitude of mind

THIS MONUMENT WAS ERECTED
BY SIMON LORD FRASER OF LOVAT, HIS SON,

Who likewise having undergone many and great vicissitudes of good and bad fortune through the malice of his enemies, he, in the end, at the head of his Clan, forced his way to his paternal inheritance, with his sword in his hand, and relieved his kindred and followers from oppression and slavery.

And both at home and in foreign countries
By his eminent actions, in the wars and the State, has acquired great honours and reputation.

Hic tegit ossa lapis, Simonis fortis in armis
Restituit pressum, nam genus ille suum.
Hoc marmor posuit, cari genitoris honori;
In genus afflictum par erat ejus amor.

Soon after this memorial was erected, Sir Robert Munro, killed at Falkirk in 1745, was on a visit to Lovat, and the

two proceeded to have a look at the monument. Upon reading the inscription Sir Robert said—"Simon, how the devil came you to have the assurance to put up such a boasting and romantic inscription?" to which his Lordship promptly replied—"The monument and inscription are chiefly calculated for the Frasers, who must believe whatever I, their chief, require of them, and their posterity will think it as true as the Gospel"—a prediction which it is feared has not been fully verified.

When John Roy Stuart, a well-known Jacobite, broke out of the prison of Inverness in 1736, he proceeded to Castle Dounie, Lovat's residence, and was entertained there for nearly six weeks, although his Lordship was at the time Sheriff of the county; and when a ship was ready to take John to the Continent he was driven to it in Lovat's carriage after he received a message from Lord Simon to "assure the Pretender, whom he called his King, of his fidelity, and that he was prepared to die in that cause." His Lordship at the same time charged him to expedite his (the Chevalier's) sending him his commission of Lieutenant-General of the Highlands and his patent of a dukedom, and in 1742 he told Robert Chevis of Muirtown that he received both the commission and patent, "from his lawful sovereign King James the Eighth."*

Rumours of his disloyalty, as he thinks through Major James Fraser, must have reached the Court about this period, and especially his old friend the Earl of Islay, who seems to have remonstrated with him. In Lovat's letter to the Earl, dated Beaufort, the 27th of May, 1737, and already quoted, his Lordship, at the same time that he was sending messages of the warmest attachment and loyalty by John Roy Stuart to the Chevalier is abusing the Prince to his own patron the Earl, in the strongest language. He says—

"Now, my good Lord, I humbly refer it to your serious reflection, whether or not it is possible that I, in my senses and reason, could have the least thought, or imagination, or wish, to see another Govern-

* *Lord Lovat's Trial.*

ment or any disturbance in this. Surely, I must be a madman if I would wish the Pretender to prevail, who used me like a scoundrel and put me in a dungeon upon the mere suspicion of my being a partisan of the family of Hanover. And if the Pretender did prevail, of which there is no manner of probability, and which I pray God may never happen, would I not be an idiot or a madman to imagine that any service I could do the Pretender could balance the interest of the families of Hamilton, Gordon, Atholl, and Seaforth, who have been my professed enemies these forty years past, and who were always believed to be friends of the Pretender, and must naturally be his favourites if he prevail," and then, "Duncan Forbes told me once, I might expect a gallows ten feet higher than ordinary if the Pretender prevailed, so that I think that no man on serious reflection can believe, that upon any consideration whatever I could ever act or contrive anything against this Government, if twenty villainous Knights of the Post should assert it," after which he proceeds to detail "facts" which, he says, "I hope will convince you or any man that thinks that I believe there is a God and a future state, that I am entirely innocent of the false and villainous aspersion laid to my door."

His Lordship then falls foul of his old friend, the Major. Continuing, he says—

"I therefore earnestly entreat and hope, that if there remains with your Lordship any part of the friendship that you have so long honoured me with, and which has been my greatest support, that you will now be so good as to show your resentment against my calumniators and false accusers. I cannot but be persuaded that the wild, unnatural, and ungrateful wretch, James Fraser of Castle Leathers, commonly called Major Cracks, for his lies, has been one of the Knights of the Post that has belied me; because, since he came home, he was so insolent as to send me a threatening message by the Sheriff-Depute of Inverness and by the Commissary, that if I would put him out of my lands that he now possesses, of which I gave a tack or lease to one of my lieutenants, that he would go immediately and be an informer against me, though he was it not before; and he was so impudent as to tell these gentlemen and Major Caulfield that he would send me a challenge to fight me, if he could get any man to carry it, notwithstanding that he is known to be the greatest coward as well as the greatest liar in the whole country, for several different persons have affronted him publicly, and he never had the soul to fight them or to resent it. But since this letter is too much swelled already, I will refer to another paper to give your Lordships a true and faithful account of that ungrateful and unnatural monster, that I relieved from beggary, which will prove to demonstration that he is and always has been one of the greatest rogues that this country has

produced. The only reason that I countenanced him for, was his brother Culduthel's sake, who was my lieutenant, and one of the honestest men in the world, and all his brothers were, who always condemned and quarrelled with him for his lying, rhodomontade, knavish ways of life."

This is another striking example of Lovat's ingratitude to his friends, and not a few more will appear before we finally part with him.

In the year 1740 he met the Duke of Argyll and the Earl of Islay in Edinburgh, at different interviews. In a letter from Edinburgh to Charles Fraser of Inverallochy, dated the 11th of September, he says that he was received somewhat coldly by both of them, especially by the latter, who allowed about a fortnight to pass before he invited him to a private conference, when he directly charged him with being a Jacobite. "He said," says Lovat, "that my house was a Jacobite house; that the discourse of those in my house was Jacobitism, and that I conversed with nobody but with Jacobites. He owned to me that the villain Castleleaders told him the strangest things upon this subject. I answered his Lordship that Castleleaders was such a known liar and rogue in the country that no honest man would drink with him; his Lordship told me that the Jacobites themselves said openly that I was a Jacobite. I answered him that the Jacobites had reason to call every man a Jacobite that they might endeavour to draw him into their party. He then told me that the Minister had intelligence from abroad of my correspondence with the Pretender. I answered his Lordship with a little warmth, that these stories were but damned calumnies and lies, and that I did not for years write a letter to any one beyond sea, which indeed is true." We have here the usual strong language and charges against proved and long-standing friends so characteristic of Simon.

During his whole career he lived more or less a double existence, but this is specially true of the period now under notice. He was no doubt a Jacobite at heart from the beginning and had Jacobites mainly for his correspondents

—except the Forbeses and Argylls—and private companions, while in public he acted the part of a friend of the Government and associated occasionally with such as he found necessary in order to keep up appearances. But at this particular date “the two brothers” took different sides, and it was difficult for Lovat to decide which of them it would be most to his interest to follow. Dr Hill Burton says that “after the indignity offered to Scotland, at the period of the Porteous mob, a Patriot or Opposition party, separate from the Jacobite, had made great progress. Argyll was at its head, while his brother Islay remained with the Court. It was a very serious question with Lovat to which of these branches he should adhere. The interview with Islay decided the question. It gave no hope of the restoration of his Sheriffship or Independent Company.” Lovat himself, writing from Edinburgh to the same Charles Fraser of Inverallochy, on the 3rd of January, 1741, says—

“I must now tell you that when I came here, I was not determined to dispose absolutely of myself for some time; but when I found the Duke of Argyll at the head of the greatest families, the richest families, and the most powerful families in the Kingdom openly proclaiming and owning in the face of the sun that he and they were resolved, in any event, to stand for and endeavour to recover the liberty of their country, which is enslaved by the tyranny and oppression of a wicked Minister, I own my heart and inclination warmed very much to that side; and on the other hand when I found that the Minister of the Court, the Earl of Islay, said nothing to me that regarded my person or family, but that the first Minister accused me of being a Jacobite, and that James Fraser of Casleleaders, that infamous liar and informer, had told to himself the strongest things of me upon that subject, which I answered very cavalierly both as to the First Minister and as to his Lordship, and when I found that he asked nothing of me, nor promised me any equivalent for my Company, or any other particular favour, I then concluded that he left me to myself to do what I thought fit.”

There were, however, difficulties still in the way and impediments to overcome. He had to associate with and be received in companionship by men most of whom had in the past been his bitterest enemies and opponents. Among them were the Dukes of Hamilton, Montrose, Buccleuch,

Queensberry, and Roxburgh, the Marquises of Tweeddale and Annandale, the Earls of Aberdeen and Marchmont, and others. But Simon very soon accommodated himself to his new situation, and determined to let his new friends see what he was capable of doing for them. In the letter last quoted he says to Inverallochy—

“I am now, my dear cousin, at the end of my project. You see me embarked over head and ears with the noble party of patriots, and you see me received with open arms, even with the great families that were my enemies, who will not only be my steadfast friends, but will continue for their own sakes friends to my son and to my family ; so that I humbly think, that by God's help, I have done the greatest service to my son and family that was possible for me to do, which I hope will redound to the interest, honour, and glory of my kindred. After I found that these great men received me with open arms, I thought I would not in honour go into their party with bare brix. I told them that I would not only give them my vote, but that I hoped to gain them the shire of Inverness, by choosing my cousin, the Laird of Macleod, as member ; you see now, my dear cousin, that the election of Inverness-shire is mine more than the Laird of Macleod's, and that every man that wishes me well, and my family and kindred, should support me in carrying that election for the Laird of Macleod.”

Macleod's opponent was Sir James Grant of Grant, at the time the head of the family to which Lovat's first wife belonged, but notwithstanding, he determined to put forth every means within his power to defeat him, right or wrong. His morals never came much in his way when he wanted to carry out an object. On this occasion he seems less troubled on that score than usual, if that were possible, for he ostentatiously declared how indifferent he was even to perjuring himself wholesale. In connection with the forthcoming Parliamentary contest he says in the same letter—“Glenbucket did me the honour to make me two visits and we spoke seriously on this subject, and Glenbucket is afraid that neither Sir Alexander Macdonald nor Glengarry will qualify. In that case we will lose our election ; but I entreat that you speak seriously to my Lord that he may engage Glenbucket to write to his son-in-law Glengarry that he might be for Macleod at the next elections, and to persuade

him to take the oaths." And here Lovat informs us how little he considered an oath binding on his own conscience. "I know he (Glengarry) has no regard for them, so he should not stand to take a cart load of them, as I would do to serve my friends," says Lord Simon! In the same communication he goes on to tell his friend that Alexander Fraser of Fairfield would not help him, his chief, in this contest, but on the contrary went to Castle Grant, and for a promise that Sir James Grant made him of an ensigncy for his son, "the poor, covetous, narrow, greedy wretch has renounced his chief and kindred." He showed himself "to be an unnatural traitor, an infamous deserter, and an ungrateful wretch" to the head of his house, and, of course "he should be hanged" for deserting him "to serve any Grant that ever was born." But in spite of all these bad qualities that Fairfield was said to be possessed of, Lovat made him a "better" offer if he would only vote for Macleod. "I told Fairfield," he says, "that I was far from desiring his loss, or any hurt to his family; that since the Laird of Grant promised him an ensign's commission for his son, that I would do better. Grant's offer was precarious, but that at that moment, before his cousin Cuming, I would give him my bond for £500 sterling, and obliging myself to get his son an ensign's commission in two months or give him the full value of it in money to buy it for his son. He then most insolently and villainously told me that he was under previous engagements to the Laird of Grant and that he must keep them." He admits having got into a passion, and to have said that Fairfield "was as mad as he was ungrateful." Lovat was determined to reduce his rights to his estate, if he could, declaring that he would spend a thousand pounds in doing so. But in the meantime he appears to hope for a cheaper, more immediate, and effective remedy in another direction. He goes on to say—

"All my fear at present is that my cousin Gortuleg, who certainly is the prettiest fellow of my kindred in the Highlands, will fall foul of Fairfield, who I believe is stout, which is the only good quality that I can imagine he has, and in all events, if they fight, Fairfield is un-

done, for if Gortuleg kills him there is an end of him ; or if he kills Gortuleg the universe cannot save his life if he stays in this island ; for Gortuleg has four cousins-german, the most bold and desperate fellows of the whole name, who would take off Fairfield's head at the Cross of Inverness, if they were to be hanged for it next morning."*

Lovat was now an active partisan of the exiled House of Stuart. In 1739-40 he entered into an association with the friends of that family in favour of the Chevalier. Among the others were the Earl of Traquair ; that nobleman's brother, John Stuart ; James Drummond, generally known as the Duke of Perth ; Lord John Drummond, that gentleman's uncle ; Sir James Campbell of Auchinbreck ; Donald Cameron, Younger of Lochiel, and several others, and strongly urged the invasion of Scotland. In 1743 he actually received a commission as Commander-in-Chief of the invading army and a patent for a dukedom. In the same year the expedition first proposed by him was actually resolved upon, and he was appointed to conduct it in the Highlands. The preparation of a fleet with an army of 15,000 on board made at Dunkirk in the end of February, 1744, and the destruction of the ships by the British fleet and a great storm are so well known as to need no recapitulation here. Its total failure at the outset did not, however, affect Lovat's determination to become "the most active partisan of the malcontents." In March following, war was finally declared between England and France, and on the 25th of July, 1745, Prince Charles, the son of the Chevalier and grandson of James II., landed from the "Doutelle" on the mainland at Loch-nan-uagh, in the West Highlands, with a following only of seven adherents, notice of which was at once sent to all the friendly chiefs, including Simon Lord Lovat.

Before describing his Lordship's share in what followed and its fatal consequences to himself, we shall give a corrected account of an incident in his life which occurred in 1745, but hitherto said by all the authorities to have taken place in the preceding year. It was a dispute, which

* Letters in *Miscellany of the Spalding Club*, vol. ii., pp. 10-27.

resulted in personal violence between Lords Lovat and Fortrose, and in which the Mackenzie chief has always hitherto been represented as most to blame. An entirely different complexion has, however, been given to it, and its date positively fixed as the 17th of May, 1745—within less than two months of the landing of Prince Charles on the West Coast of Scotland—by the publication of a series of Lovat letters from the Cluny charter chest in Vol. xix. of the Transactions of the Gaelic Society of Inverness by Provost Alexander Macpherson of Kingussie. The version current until these letters turned up was to the effect that at a Court of the Freeholders of the county held at Inverness in the first-named year at Michaelmas, to elect a collector of the land tax, at which, among others, were present Lord President Forbes, Norman Macleod of Macleod, Lord Fortrose, Lord Lovat, Foyers, and several other leading men of the clan Fraser, a warm debate got up on some burning question between Lords Lovat and Fortrose, when the former gave the latter the lie direct and, as it now turns out, struck him with his cane. To this, it was said, Mackenzie replied by giving Lovat a smart blow in the face. Mutual friends at once intervened to separate them, but the Fraser blood was up, and James Fraser of Foyers, who felt that the whole clan had been insulted in the person of his chief, sprang down from the gallery, where he had been sitting, and presented a loaded and cocked pistol at Mackenzie's head, to whom it would undoubtedly have proved fatal had not one of the gentlemen present, with great presence of mind, thrown his plaid over the muzzle, and thus arrested and diverted its deadly contents. In another moment swords and dirks were drawn on both sides, but the Lord President and Macleod laid hold of Mackenzie and hurried him from the Court. Yet no sooner had he gained the outside than one of the Frasers levelled him to the ground with a blow from a heavy bludgeon, notwithstanding all the efforts of his friends to protect him. The matter was, however, with great difficulty, arranged by mutual friends between the two great clans and their respective

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